



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

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No. 640 Dispur, Thursday, 22nd September, 2022, 31st Bhadra, 1944 (S. E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATIONS

The 12th September, 2022

No.LLE.58/2022/423.- The following Bills were introduced in the House **on 12th September, 2022** along with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

THE ASSAM MOTOR VEHICLES TAXATION (AMENDMENT) BILL, 2022

A

BILL

further to amend the Assam Motor Vehicles Taxation Act, 1936.

Preamble

Whereas, it is expedient further to amend the Assam Motor Vehicles Taxation Act, 1936, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam
Act No.
IX of 1936

It is hereby enacted in the Seventy-third Year of the Republic of India as follows :-

Short title,
extent and
commencement

1. (1) This Act may be called the Assam Motor Vehicles Taxation (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment in
Schedule -I

2. In the principal Act, in the Schedule-I,-
 - (i) for the ARTICLE No.1(A), the following shall be substituted, namely :-

Sl. No.	Cost price of the 4 Wheeler Vehicle and original price thereof, excluding GST	Rate of OTT for new vehicles to be registered for first time	Mode of Payment of OTT for 15 (fifteen) years	Rate of OTT if the owner pays the full Motor Vehicle Tax (OTT) at the time of first registration
1	Original Cost price upto Rs. 4.00 Lakhs	5% of the Original Cost	To be paid in full at the time of first registration.	NA
2	Original Cost price above up to Rs. 4.00 Lakhs and upto Rs. 6.00 Lakhs	6% of the Original Cost	To be paid in full at the time of first registration.	NA

3	Original Cost price above up to Rs. 6.00 Lakhs and upto Rs. 12.00 Lakhs	7% of the Original Cost	75% of Motor Vehicle Tax (OTT) will have to be paid at the time of first registration of vehicle and remaining 25% to be paid before the end of first 5(five) years	6% of the Original Cost
4	Original Cost price above up to Rs. 12.00 Lakhs and upto Rs. 15.00 Lakhs	7.5% of the Original Cost	75% of Motor Vehicle Tax (OTT) will have to be paid at the time of first registration of vehicle and remaining 25% to be paid before the end of first 5(five) years	6.5% of the Original Cost
5	Original Cost price above up to Rs. 15.00 Lakhs and upto Rs. 20.00 Lakhs	9% of the Original Cost	75% of Motor Vehicle Tax (OTT) will have to be paid at the time of first registration of vehicle and remaining 25% to be paid before the end of first 5(five) years	8% of the Original Cost
6	Original Cost price above up to Rs. 20.00 Lakhs and upto Rs. 30.00 Lakhs	12% of the Original Cost	75% of Motor Vehicle Tax (OTT) will have to be paid at the time of first registration of vehicle and remaining 25% to be paid before the end of first 5(five) years	11% of the Original Cost
7	Original Cost price above Rs. 30.00 Lakhs	14% of the Original Cost	75% of Motor Vehicle Tax (OTT) will have to be paid at the time of first registration of vehicle and remaining 25% to be paid before the end of first 5(five) years	13% of the Original Cost

8	Old vehicles required to be registered in Assam on Transfer from other States	(A) OTT to be fixed after allowing a depreciation @7% per annum of tax payable for the same category of Vehicle at the Current Cost price, if the age of the Vehicle is less than 5 (five) years. (B) 10% depreciation if age of the vehicle is in between 5 (five) to 10 (ten) years. (C) 12% depreciation if age of the vehicle is above 10 (ten) years and 15 (fifteen) years.	To be paid in full at the time of registration	(A) OTT to be fixed after allowing a depreciation @7% per annum of tax payable for the same category of Vehicle at the Current Cost price, if the age of the Vehicle is less than 5 (five) years. (B) 10% depreciation if age of the vehicle is in between 5 (five) to 10 (ten) years. (C) 12% depreciation if age of the vehicle is above 10 (ten) years and 15 (fifteen) years.
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- (ii) after the ARTICLE NO. 1(D), a new ARTICLE No. 1(E) shall be inserted, namely:-

“ARTICLE NO. 1(E) : Green Tax for Motor Vehicles

1. Levying of Green Tax on Non-Transport vehicles older than 15 (fifteen) years for the next renewal for 5 (five) years is as follows :-

1.	Two Wheeler	:	Rs.3000/-
2.	Other than Two Wheeler:-		
	A	Vehicle up to 1000 CC engine capacity	: Rs.5000/-
	B	More than 1000 CC up to 1500 CC engine capacity	: Rs.8000/-
	C	More than 1500 CC up to 2000 CC engine capacity	: Rs.10000/-
	D	Above 2000 CC engine capacity	: Rs.15000/-

2. Levying of Green Tax at the rate of 25% of Annual Road Tax on all categories of Transport vehicle older than 10 (ten) years at the time of renewal of Fitness Certificate over and above the regular applicable Motor Vehicle Tax.”.

STATEMENT OF OBJECTS AND REASONS

The objective is to introduce the Bill, namely the Assam Motor Vehicles Taxation (Amendment) Bill, 2022 to further amend the Assam Motor Vehicle Taxation Act, 1936.

The Cabinet approved the following :-

1. The existing to slab system will continue, however 75% of Motor Vehicle Tax (OTT) will have to be paid at the time of first registration of vehicle and remaining 25% to be paid before the end of 5 (five) years.
2. If the owner pays the full Motor Vehicle Tax (OTT) at the time of purchase of vehicle/ first registration, the rate of MV Tax/ OTT shall be reduced by 1%.
3. To introduce . Green Tax for Motor Vehicles.

Hence the Bill.

PARIMAL SUKLABAIDYA,
Minister, Transport.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

This Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill does not propose to delegate legislative power to the Executive.

**EXTRACT OF ARTICLE No.1(A) AND 1(E) OF THE ASSAM MOTOR VEHICLE
AMENDMENT ACT, 1936**

UNDER AMENDMENT

ARTICLE No.1(A)	In the principal Act, in the Schedule-I, for the ARTICLE No.1(A) is Amended
ARTICLE No. 1(E)	after the ARTICLE No. 1(D), a new ARTICLE NO.1(E) : Green Tax for Motor Vehicles is introduced.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

THE ASSAM MUNICIPAL (AMENDMENT) BILL, 2022**A****BILL**

further to amend the Assam Municipal Act, 1956.

Preamble

Whereas it is expedient further to amend the Assam Municipal Act, 1956, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

**Assam Act
No. XV of
1957**

It is hereby enacted in the Seventy-third Year of the Republic of India as follows :-

Short title,
extent and
commencement

1. (1) This Act may be called the Assam Municipal (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force on the date of its publication in the Official Gazette.

Amendment of
section 42

2. In the principal Act, in section 42, in sub-section (1), in the proviso,-
 - (i) in second line, for the words "ten" appearing in between the words "rupees" and "thousand" the word "fifteen", shall be substituted;
 - (ii) in third line, for the word "seven" appearing in between the words "rupees" and "thousand" the words, "twelve" and for the words "five" appearing in between the words "rupees" and "thousand" the words "ten" shall be substituted respectively.

Amendment of
section 92

3. In the principal Act, in section 92, after sub-section (1), the following new sub-section (1A), shall be inserted, namely:-

"(1A) The tax mentioned in clause (a), (b), (c), (d) and (e) of sub-section (1) of section 68, shall not be assessed or levied on any building or holding of Ex-servicemen and their widows."

Explanation:

For the purpose of this sub-section "Ex-Serviceman" means any person who has served in any rank' (whether as a combatant or not) in the Armed Forces of the Union and has been released therefrom otherwise than by way of dismissal or discharge on account of misconduct or inefficiency."

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend Section 42 and Section 92 of the Assam Municipal Act, 1956 (Assam Act No. XV of 1957) to enhance the remuneration of Chairman / Chairperson, Vice Chairman / Vice Chairperson and elected Commissioners of Municipal Boards; and for providing exemption from property taxes/municipal taxation to the Ex-Servicemen/widows respectively.

Section 42 of the Assam Municipal Act, 1956 provides for remuneration of the Chairman, Vice Chairman and elected Commissioners of Municipal Board or a Town Committee. The Section provides that the remuneration so determined by the Municipal Board shall not exceed rupees ten thousand in case of Chairman, rupees seven thousand in case of Vice Chairman and rupees five thousand in case of elected Commissioners of a Municipal Board or a Town Committee. The Bill aims to enhance the remuneration of Chairman/Chairperson, Vice Chairman/Vice-Chairperson and elected Commissioners of Municipal Boards under Assam Municipal Act, 1956 by an additional Rs.5000/- (Rupees Five thousand only) and hence there is a need for amendment of the Section 42.

Section 92 of the Assam Municipal Act, 1956 provides for exemptions and remissions from Municipal Taxation. The Hon'ble Defence Minister of Union of India has written to the Hon'ble Chief Minister of Assam urging him to completely waive off property taxes for Ex-servicemen and their widows. As a mark of honour to the supreme service rendered by the ex-servicemen during their work in the Army, Navy and Airforce, the Govt of Assam intends to exempt the Ex-servicemen and their widows from the payment of property taxes/municipal taxation and hence there is a need for amendment of the Section 92.

Hence, the Bill for the following amendments of the Assam Municipal Act, 1956-

Section 42

Section 92

ASHOK SINGHAL,

Minister,

Department of Housing and Urban Affairs,
Assam, Dispur.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

**Extract of the Existing provision of Section 42 and Section 92 of the
Assam Municipal Act, 1956**

Section 42. Remuneration of the Chairman, Vice -Chairman and Elected Commissioners-

(1) The Chairman, Vice-Chairman and elected Commissioners of a Municipal Board or a Town Committee shall receive such remunerations as may be determined by the Board at a meeting, depending on the resources of the respective Municipal Board and the Town Committee out of the Municipal Fund constituted under Section 58 of this Act subject to provisions of Sub Section (3):

Provided that the remuneration so determined by the Board shall not exceed rupees ten thousand in case of Chairman, rupees seven thousand in case of Vice-Chairman and rupees five thousand in case of elected Commissioners of a Municipal Board or a Town Committee and the remuneration so determined shall not be paid to the Chairman, Vice-Chairman and the elected Commissioner without the prior approval of the Government.

Section 92. Exemptions and remissions-(1) The tax mentioned in Section 68, sub-sections (1)(a), (b), (c) and (d) shall not be assessed or levied on any building or holding which is used exclusively as a place of public worship or on any holding which is duly registered as a public burial or burning ground under this Act.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

THE ASSAM MUNICIPAL CORPORATION (AMENDMENT) BILL, 2022

A BILL

further to amend the Assam Municipal Corporation Act, 2022.

Preamble

Whereas it is expedient further to amend the Assam Municipal Corporation Act, 2022, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

**Assam Act
No. VIII of
2022**

It is hereby enacted in the Seventy-third Year of the Republic of India as follows :-

Short title,
extent and
commencement

1. (1) This Act may be called the Assam Municipal Corporation (Amendment) Act, 2022.
- (2) It shall have the like extent as that of principal Act.
- (3) It shall come into force at once.

Amendment of
section 3

2. In the principal Act, in section 3, after sub-section (5) the following new sub-sections shall be inserted namely:-

“(6) When a notification is issued under sub-section (5) of section 3 of this Act to constitute a Municipal Corporation comprising a city or town where there is an elected Municipal Board, the elected Commissioners including the Chairman, shall complete the residue term of five years.

(7) When a Corporation is constituted under sub-section (5) of section 3 of this Act, the existing elected Commissioners of existing Municipal Boards shall make and subscribe an oath or affirmation of his allegiance to the Constitution of India under sub-section (3) of section 8 and under section 15 of this Act.

(8) When provisions of this Act is extended to an existing Municipal Board or Corporation under sub-section (3) of section 1 of this Act, the elected Councillors shall complete the residue term of five years:

Provided that there shall be no alteration in the area of existing wards of the Municipal Boards or Municipal Corporation when action is initiated under sub-section (6) and (8) of this section.”.

Insertion of new section 3A 3. In the principal Act, after section 3, the following new section shall be inserted, namely:-

“Cessation of the Assam Municipal Act, 1956 and Guwahati Municipal Corporation Act, 1969

- 3A. (1) With effect from the date of commencement of this Act as per sub-section (3) of section 1, the existing Assam Municipal Act, 1956 and the Guwahati Municipal Corporation Act, 1969 shall cease to apply for any area constituted as Corporation area under this Act. Assam Act No. XV of 1957
Assam Act No. I of 1973
- (2) Notwithstanding the provisions of sub-section (1) above, the Municipal Boards constituted under the Assam Municipal Act, 1956 and the Guwahati Municipal Corporation constituted under the Guwahati Municipal Corporation Act, 1969, as the case may be, shall, with effect from the date of commencement of this Act, be deemed to have been constituted under this Act, and, in respect of such Corporation or Board,-
- (a) every Councillor continuing in office as such immediately before the commencement of this Act shall be deemed to be a Councillor under this Act and shall hold office as such Councillor for the residue period of the term of office of the Councillor under any of these laws in force immediately before the commencement of this Act under which he was elected to be a Councillor or until he vacates, or is removed from, his office, or a new Councillor is elected and assumes office under this Act, whichever is earlier;
- (b) the Mayor, Mayor-in-Council, Ward Committee, Area Sabha, Commissioner and the Special Committees if any, continuing in office on the date immediately before the date of commencement of this Act shall be deemed to be the Mayor, Mayor-in-Council, Ward Committee, Area Sabha, Commissioner and the Special Committees, if any, under this Act;
- (c) any appointment, notification, order, scheme, rule, form, notice or bye-law made or issued under the Assam Municipal Act, 1956 and Guwahati Municipal Corporation Act, 1969 before the commencement of this Act and establishment of the Corporation under this Act shall be deemed to have been made, issued or granted under the provisions of this Act, unless and until it is superseded by any order, scheme, rule, form, notice or bye-law made or issued under the provisions of this Act; Assam Act No. XV of 1957
Assam Act No. I of 1973

- (d) every budget passed, loan taken, assessment made, building plan sanctioned, licence or permission or sanction granted or issued, or any other similar action taken under the Guwahati Municipal Corporation Act, 1969 and Assam Municipal Act, 1956, and in force immediately before the commencement of this Act, shall, at the date of commencement of this Act, be deemed to have been passed, taken, made, sanctioned, granted or issued under this Act and shall, unless altered, modified, cancelled, suspended, or withdrawn, as the case may be, under this Act, remain in force for the period, if any, for which it was so passed, taken, made, sanctioned, granted or issued; Assam Act
No. I of
1973
Assam Act
No. XV of
1957
- (e) all properties, movable or immovable, and all rights and interest of whatever kind, owned by, or vested in, any Municipal Board or Corporation, within the area of, or owned by, or vested in, the Guwahati Municipal Corporation or the Municipal Boards, as the case may be, under any law in force immediately before the commencement of this Act, be deemed to be owned by, or vested in, the Municipal Corporations;
- (f) all debts, obligations or liabilities incurred, all contracts entered by any Municipal Boards or Corporation, within the area of, or made, or incurred, by, the Guwahati Municipal Corporation or Municipal Boards, as the case may be, immediately before the commencement of this Act, shall pass on to the Municipal Corporations, as the case may be;
- (g) all suits, prosecution and other legal proceedings instituted or which might have been instituted by or against any of the Municipal Boards or Corporation constituted under the Assam Municipal Act, 1956 and Guwahati Municipal Corporation Act, 1969 as the case may be at the date of commencement of this Act shall be deemed to be instituted by or against the Corporations established under this Act; and Assam Act
No. XV of
1957
Assam Act
No. I of
1973
- (h) all officers and other employees appointed under the Assam Municipal Act, 1956, or the Guwahati Municipal Corporation Act, 1969, as the case may be, and holding office on the date immediately before the date of Assam Act
No. XV of
1957
Assam Act
No. I of
1973

commencement of this Act, shall, at the date of commencement of this Act, be deemed to have been appointed under this Act, and shall continue to hold office on the terms and conditions in force immediately before the commencement of this Act.”.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Assam Municipal Corporation Act, 2022 for providing protection to the tenure of existing Ward Commissioners who have been elected pursuant to the general election to the Municipal Boards.

The Bill seeks to amend Section 3 of the Assam Municipal Corporation Act 2022. Under Section 3 of the Act, Governor may after making such inquiry as he may deem fit and after examining claims and objection from public constitute a city, or town as a Municipal Corporation. During the subsistence of an elected Municipal Board, if the Board is to be upgraded to a Corporation, the tenure of existing elected body has to be protected which has necessitated an amendment to the Act.

It is proposed to amend the provisions of the Assam Municipal Corporation Act, 2022 by inserting provision providing protection to the tenure of existing ward Commissioners who have been elected pursuant to the general election to the Municipal Boards. When the existing Municipal Board is upgraded to a Municipal Corporation, the amendment proposed provides that the elected Ward Commissioners including the Chairman will complete the residue tenure of five years. The amendment proposed provides that if the provisions of the Act are extended to an existing Municipal Board or Corporation in the State, the existing elected body shall complete its residue term notwithstanding extension of the provisions to the Municipal Corporation. The amendment provides necessary saving clauses to protect the action taken by a Municipal Board or a Corporation under the present enactments under which these bodies have been functioning hitherto.

Hence, the Bill for the following amendment of Section of the Act-
Section 3.

ASHOK SINGHAL,

Minister,

Department of Housing and Urban Affairs,
Assam, Dispur.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

Extract of the Existing provision of Section (3) of Assam Municipal Corporation Act, 2022**Constitution of the Corporation**

- | | |
|---|---|
| Declaration of intention to constitute a Municipal Corporation area | 3. (1) The Governor may, after making such inquiry as he may deem fit, and having regard to the population of any urban area, the density of population therein, the revenue generated for the local administration of such area, the percentage of employment in non-agricultural activities in such area, the economic importance of such area, and such other factors as may be prescribed, by notification, declare such area to be a Municipal Corporation. |
| Publication of Declaration | <p>(2) The notification about the constitution of a Corporation shall be published in the Official Gazette and in at least two leading newspapers, at least one of which shall be in local vernacular language intelligible to the inhabitants of the local area concerned.</p> <p>(3) A copy of the notification shall also be pasted in a conspicuous place in the office of the Deputy Commissioner of the district and, where there is a Municipal Board, also in the office of the Municipal Board, and such other public places as the State Government may direct.</p> |
| Consideration of objection | (4) Any inhabitant of the city, town or a panchayat are in respect of which a notification has been published under sub-section (2) of Section 3 of the Act may, if he objects to anything contained in the notification, submit his objection in writing within fifteen days of the publication of notification to the State Government, through the Deputy Commissioner of the District and the State Government shall take such objection into consideration. |
| Constitution of Municipal Corporation areas | (5) On the expiry of one month from the date of publication of the notification and after consideration of all or any of the objection which may be submitted, the Governor, may by notification constitute such city, town or any specified part thereof as a Municipal Corporation. |

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

THE ASSAM AERIAL ROPEWAYS BILL, 2022

A

BILL

to authorise, facilitate and regulate the construction and working of aerial ropeways in the State.

Preamble

Whereas it is expedient to authorize, facilitate and regulate the construction and working of aerial ropeways and to ensure legislative and administrative safeguards to the aerial ropeways in the state of Assam and the matters connected therewith or incidental thereto;

It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Assam Aerial Ropeways Act, 2022.
- (2) It extends to the whole of the State of Assam.
- (3) They shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,-
 - (a) "aerial ropeway" means an aerial ropeway (or any portion thereof) for the public carriage of passengers or goods, and includes all ropes, posts, carriers, stations, offices, warehouses, workshops, machinery and other works used for the purposes of or in connection with, and all land appurtenant to, such aerial ropeway;
 - (b) "carrier" means any vehicle or receptacle hung or suspended from, or hauled by a rope and used for the carriage of passengers or goods or for any other purpose in connection with the working of an aerial ropeway;
 - (c) "circle" in relation to a local authority means the area within the control of that authority;
 - (d) "Deputy Commissioner" means the Deputy Commissioner of a district and includes any person representing him for the purpose of the Act;
 - (e) "Expert Committee" means a Committee constituted under

section 11 of this Act;

- (f) "Government" means the Government of Assam;
- (g) "Inspector " means an Inspector of aerial ropeways appointed under this Act who have requisite knowledge and experience on aerial ropeway;
- (h) "local authority" means a Municipal Committee, Small Town Committee, Notified Area Committee, Gram Panchayat, Zila Parishad or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund;
- (i) "Official Gazette" means the Official Gazette of the Government;
- (j) "order" means an order authorising the construction of an aerial ropeway under this Act, and includes a further order substituted for, or amending, extending or revoking that order;
- (k) "Regulation" means the Aerial Ropeway Operation and Maintenance Regulations framed under this Act;
- (l) "Post" means a post, trestle, standard, strut, stay, or other contrivance or part of a contrivance for carrying, suspending or supporting a rope;
- (m) "prescribed" means prescribed by rules made by the Government under this Act;
- (n) "promoter" means-
 - (i) the State Government,
 - (ii) a local authority,
 - (iii) any person or entity which may be selected by Government as per law,
 - (iv) any company incorporated under the Companies Act, 2013, or
 - (v) any railway company as defined in the Railways Act, 1989,
 - (vi) any person in whose favour an order has been made under section 7, or on whom the rights and liabilities conferred and imposed on the promoter by this Act, and by rules and orders made under this Act, as to the construction, maintenance and use of an aerial ropeway, have devolved;
- (o) "rate" includes any fare, charge or other payment for the carriage of passengers or goods;
- (p) "rope" includes any cable, wire, rail, or way, whether flexible or rigid, used for suspending, carrying or hauling a carrier, if any part of such cable, wire, rail, or way, is carried overhead and is suspended from or supported on posts.

Central
Act No.
18 of
2013.
Central
Act No.
24 of
1989.

CHAPTER II

PROCEDURE AND PRELIMINARY INVESTIGATIONS

- Application for permission to undertake investigation**
3. (a) Every application by an intending promoter other than State Government for permission to undertake necessary preliminary investigation in regard to a proposed aerial ropeway shall be submitted to the State Government.
- (b) In case of government funded project, there shall be a selection mechanism through bidding system to ensure open participation of intending companies/individual and to secure elements of competition and transparency.

- Contents of application**
4. Every application to be made under section 3 of the Act shall contain all the information relevant to the proposed ropeway and shall include the following:-
- (a) a description of the undertaking and of the route to be followed by the proposed aerial ropeway;
 - (b) a description of the system of construction and management and the advantages to the community to be expected from the aerial ropeway;
 - (c) an approximate estimate of the cost of construction thereof;
 - (d) a statement of the estimate working expenses and profits expected;
 - (e) a statement of the maximum and minimum rates proposed to be charged;
 - (f) such maps, plans, sections, diagrams and other information as the Government may require in order to form an idea of the proposal;
 - (g) an application fees of Rupees Five lakhs;
 - (h) number of trees to be affected; and
 - (i) forest and animal corridors on the alignment of ropeway.

- Preliminary investigations**
5. Subject to the provisions of this Act and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the Government may accord sanction to the promoter to make such surveys, as may be necessary and require to submit such detailed estimates, plans, sanctions, specifications and such further information as it may deem necessary for the full consideration of the proposal. The promoter shall not in any event be entitled to claim any compensation from the Government for any expense incurred under this section:

Provided that the estimates, plans, specifications relating to the structural designs, quality of material, factors of safety, method of

Central
Act No.
30 of
2013

computing stresses shall be in conformity with those as laid down by the Bureau of Indian Standards and shall be duly certified by a qualified Engineer.

Explanation.—For the purposes of this section a “qualified Engineer” means a post graduate Engineer in structure having such qualifications and experience as may be prescribed.

CHAPTER III

ORDERS AUTHORISING THE CONSTRUCTION OF AERIAL ROPEWAYS

Publication of proposed order authorising, construction and contents of such order

6. (1) The Government may, on application made by any promoter and after due consideration of the details supplied in accordance with section 4, publish in one widely circulated local newspaper and one widely circulated national newspaper and in the departmental website a draft of the proposed order authorising the construction of an aerial ropeway within any specified area or along a specified route by or on behalf of such promoter, subject to such restrictions and conditions as the Government may deem proper.
- (2) A notice shall be published with the draft stating that any objection or suggestion which any person may desire to make with respect to the proposed order shall be taken into consideration, if submitted to the Government on or before a date to be specified in the notice.
- (3) The Government shall cause public notice of the intention to make the order to be given at convenient places within the said area, or along the said route and shall, so far as may be conveniently possible, cause a like notice to be served on every owner or occupier of land over which such route lies, and shall consider any objection or suggestion with respect to the proposed order which may be received from any person within a date to be specified in such notice. All applicable Forest and Wildlife clearances shall have to be obtained by the promoter under Forest Conservation Act, 1980 and from State Board of wildlife/National Board of Wildlife.
- (4) The draft of the proposed order shall specify:-
 - (i) a time within which the capital required for the construction of the aerial ropeway shall be raised;

Central
Act No.
69 of
1980

- (ii) a time within which the construction shall be commenced;
- (iii) a time within which the construction shall be completed;
- (iv) the condition under which a concession, guarantee, or financial assistance may be given by the Government or a local authority to the promoter;
- (v) the right of purchase by the Government or a local authority;
- (vi) the rules regarding audit and accounts;
- (vii) the rules regarding arbitration for the settlement of disputes;
- (viii) the specifications relating to the structural designs, quality of material, factors of safety, method of computing stresses and other such technical details as may be considered necessary;
- (ix) the rules relating to the construction of the aerial ropeway over roads and other public ways of communication, except railways as defined by the Constitution and, with the previous sanction of the Central Government, over such railways;
- (x) the conditions under which the promoter may sell or transfer his rights to the Government, or to a local authority, or to a person;
- (xi) the conditions under which the aerial ropeway may be taken over by the Government to be worked by itself or by a local authority or by a person other than the promoter;
- (xii) the motive power to be used on the aerial ropeway and the conditions, if any, on which such power may be used;
- (xiii) the minimum headway to be maintained under different parts of the rope;
- (xiv) the minimum headway of 10 meters between the rooftop of the houses or buildings and base of the cabin, in the case of ropeway projects to be build under Public Private Partnership (PPP)mode;
- (xv) the points under the aerial ropeway at which bridges or guards shall be constructed and maintained;
- (xvi) the traffic which may be carried on the ropeway, the traffic which the promoter shall be bound to carry and the traffic which he may refuse to carry;
- (xvii) the maximum rates that may be charged by the

promoter, and the circumstances in which, and the manner in which, these rates may be revised by the Government;

- (xviii) the amount of security, if any, to be deposited by the promoter in the event of his application being granted; and
- (xix) such other matters as the Government may deem necessary.

Final order

7. (1) If, after considering objections or suggestions which may have been made in respect to the draft on or before the specified date, the Government is of the opinion that the application should be granted, with or without modification, or subject or not to any restriction or condition, it may make an order accordingly.
- (2) Every order authorising the construction of an aerial ropeway shall be published in the Official Gazette, and such publication shall be conclusive proof that the order has been made as required by this section.

Cessation of powers given by an order

8. If a promoter authorised by an order to construct an aerial ropeway does not, within the time specified in the order,-
 - (a) succeed in raising the full amount of capital required for the completion of the aerial ropeway;
 - (b) make, in the opinion of the Government, substantial progress with the construction of the aerial ropeway; or
 - (c) complete the construction thereof;
 the powers given to the promoter by such order shall, unless the Government prolongs the time so specified, cease to be exercised.

Further order

9. (1) The Government may, on the application of the promoter, revoke, amend, or extend the order by a further order.
- (2) An application for a further order shall be made in the same manner, and subject to the same conditions, as an application for an order.
- (3) If the Government grants the application it shall make further order in the same manner as an order, except that the rights, powers and authorities asked for, in the said application shall not be increased, modified or restricted by the further order without the consent in writing of the promoter.

**Inspection of
aerial ropeways
before opening**

10. (1) No aerial ropeway shall be opened for any kind of traffic until the Government has, by order, sanctioned the opening thereof for that purpose. The sanction of the Government under this section shall not be given until an Expert Committee has reported in writing to the Government,-
- (a) that the Expert Committee has made a careful inspections of the aerial ropeway and appurtenances as certified by Inspectors;
 - (b) that the moving and fixed dimensions and other conditions prescribed under the order have been complied with as certified by Inspectors;
 - (c) that the aerial ropeway is sufficiently equipped for the traffic for which it is intended;
 - (d) that the bye-laws and working rules prescribed under sections 31 and 36 have been duly framed in the manner prescribed in those sections; and
 - (e) that in the opinion of the Expert Committee the aerial ropeway is fit for public traffic and can be used without danger to the public using it, or to the person employed thereon, or to the general public.
- (2) The provisions of sub-section (1) above shall extend to the opening of additional sections of the aerial ropeway, to deviation lines, and to any alternation or reconstruction materially affecting the structural character of any work to which the provisions of sub-section (1) above apply or are extended by this sub-section.

**Expert
Committee**

11. (1) The Government may, by notification in the Official Gazette, constitute one or more Expert Committees consisting of such number of persons, having such knowledge and experience in design, setting up and operating aerial ropeways, and on such terms and conditions as may be prescribed.

**Duties of the
Expert
Committee**

12. The Expert Committee shall discharge the following duties, namely:-
- (i) to aid and advise the Government and the Inspector in regard to any matter connected with the administration of the Act; and also in regard to-
 - (a) design, erection or position of any aerial ropeway or of any work appertaining thereto;
 - (b) the addition to, or the alteration or closure of an aerial ropeways;
 - (c) the variation of the character of any ropeway or of the mode of use thereof;

- (d) to ensure that the ropeway is fit for public traffic, and no danger is involved in its use; and
- (e) fixation of the fare rates.

- (ii) to conduct inspection of aerial ropeways and appurtenances-
 - (a) at the initial stage, before the sanction is granted for its operation under sub-section (1) of section 10 of this Act;
 - (b) subsequently at least twice in a year;
 - (c) on such other occasions as may be directed by the State Government; and
 - (d) advise Inspectors on operation and maintenance of regulations under this Act.

Appointment of
Inspectors and
their powers and
duties

13. (1) The Government shall appoint such Chief Inspector and Inspectors of aerial ropeway who have requisite qualification, experience (minimum Graduate in Civil/Mechanical/Electrical along with experience of 10 years in aerial ropeway) and may fix the fees to be charged to promoters for the performance by them for their duties under this Act and the rules framed thereunder..
- (2) The Inspector shall perform following duties.
 - (i) it shall be the duty of Inspector, from time to time, to inspect such ropeways and to determine whether they are constructed and maintained in a fit condition and working properly to the entire convenience and safety of the persons using them and of the general public and consistent with the provisions of this Act.
 - (ii) to see that the operation and safety measures are strictly followed as per the operation and maintenance regulations of this Act.
 - (iii) the Inspector shall inspect the ropeway and its appurtenances,-
 - (a) where human beings are carried, atleast once in three months;
 - (b) where goods are carried, atleast once in a six months; and
 - (c) on such other occasions as may be directed by the State Government.
- (3) The Government may also appoint experts, advisors, consultant, and other officers with such designations and assign to them such powers, duties and functions as may be prescribed for carrying out the purposes of this Act.

Powers of Inspectors	14. An Inspector shall, for the purpose of any of the duties which he is authorized or required to perform under this Act, be deemed to be a public servant within the meaning of the Indian Penal Code, 1860 and shall, for that purpose, have such powers as may be prescribed by rules made under this Act.	Central Act No. 45 of 1860
Facilities to be afforded to Inspectors and Expert Committee	15. The promoter and his employees and agents shall afford to the Inspector or as the case may be, to the members of the Expert Committee all reasonable facilities for performing the duties and exercising the powers imposed and conferred upon them by this Act or by rules made thereunder.	

CHAPTER IV

CONSTRUCTION AND MAINTENANCE OF AERIAL ROPEWAYS

Authority of promoter to execute works	<p>16. (1) Subject to the provisions of, and to the rules made under this Act, and, in the case of immovable property not belonging to the promoter, to the provisions of any enactment for the time being in force for the acquisition of land for public purposes and for companies, a promoter may,-</p> <p>(a) make such survey as he thinks necessary;</p> <p>(b) place and maintain posts in or upon any immovable property;</p> <p>(c) suspend and maintain a rope over, along or across any immovable property;</p> <p>(d) make such bridges, culverts, drains, embankments and roads as may be necessary;</p> <p>(e) erect and construct such machinery, offices, stations, warehouses and other buildings, works and conveniences as may be necessary; and</p> <p>(f) do all other acts necessary for constructing, maintaining altering, repairing and using the aerial ropeway:</p> <p>Provided that a promoter may take any action under clause (b) or clause(c) of this sub-section, notwithstanding the objection of the owner or occupier of the property affected thereby, if the Deputy Commissioner, after giving such owner and occupier by notice in writing, an opportunity of being heard, by an order in writing, permits such action.</p>	
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- (2) When making an order under the proviso to sub-section (1), the Deputy Commissioner shall fix the amount of compensation, or of an annual rent, or of both, which should, in his opinion, be paid by the promoter to the owner of the property affected thereby, or in the case of immovable property, to the owner or occupier thereof, or any person interested therein and the amount to be paid to each.
- Temporary entry upon land for repairing or preventing accident
17. (1) Subject to the rules made under this Act, a promoter or his duly authorised employee or agent may, at anytime for the purpose of examining, repairing or altering an aerial ropeway, or of preventing any accident, enter upon any immovable property adjoining such aerial ropeway, and may do all such works as may be necessary for such purposes.
- (2) In the exercise of the powers conferred by sub-section (1), the promoter or his duly authorised employee or agent, as the case may be, shall cause as little damage as possible, and compensation shall be paid by him for any damage so caused; and in the case of any dispute as to the amount of such compensation, the matter shall be referred for the decision of the Deputy Commissioner.
- (3) Trees falling on the alignment of ropeway shall be lifted alongwith roots and replanted at suitable location by the promoter.
- Removal of obstructions
18. (1) When any tree standing or lying near an aerial ropeway, or where any structure or other object which has been placed or has fallen near an aerial ropeway subsequent to the issue of an order under section 7 of the Act in regard to such aerial ropeway, interrupts or interferes with, or is likely to interrupt or interfere with the construction, maintenance, alteration, or use of the aerial ropeway, the Deputy Commissioner may, on the application of the promoter, cause the tree, structure or object to be removed or otherwise dealt with as he thinks fit.
- Explanation.*-For the purpose of this sub-section, the expression "tree" shall be deemed to include any shrub, hedge, jungle growth or other plant.
- (2) When disposing of an application under sub-section (1), the Deputy Commissioner shall award to the person interested such compensation as the Deputy Commissioner deems reasonable, and the Deputy Commissioner may recover such amount from the promoter as if it were an arrear of land revenue.

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| Order of Deputy
Commissioner
subject to
revision by the
Government | 19. No suit shall lie in respect of any matter referred to in the proviso to sub-section (1) and sub-section (2) of section 16, section 17, or in sub-section (1) of section 18 of the Act, but every order made by a Deputy Commissioner under any of those sections, and every award made by him under sub-section (2) of section 18 of the Act, shall be subject to revision by the Government except in the case of an award of compensation made by the Deputy Commissioner on account of action taken under sub-section (2) of section 16 of the Act, which award shall be subject to revision by the District Judge. |
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CHAPTER V

WORKING OF AERIAL ROPEWAYS

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| Promoter may
fix rates | 20. The promoter shall, for the purposes of working an aerial ropeway, and subject to such maximum rates as may be prescribed, have power, from time to time, to fix the rates for the carriage of passengers or goods on the aerial ropeway with approval of Expert Committee. |
| Fixation of fare
rates of Public
Private
Partnership and
Built Operate
and Transfer
Ropeway
Projects | 21. (1) The Government, on the recommendations of the Expert Committee, shall fix and notify the maximum limit of the fare rates for the Ropeway Projects build under Public Private Partnership (PPP) and Built Operate and Transfer (BOT) mode.

(2) Every application made under this section for fixation of fare rates shall be decided within a period of 90 days from the date of receipt of such application, failing which the application shall be deemed to have been accepted for fixation of fare rates. |
| Duty of
promoter to
work aerial
ropeway without
partiality | 22. No promoter shall make or give any undue or unreasonable preference or advantage to or in favour of any particular person or any particular description of traffic in any respect whatsoever, or subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. |
| Reporting of
accidents | 23. In case where any accident occurs in the course of working in aerial ropeway, the promoter shall, without unnecessary delay, send notice of the accident to the Government, Expert Committee and to the Inspector; and the promoter's employee-in-charge of the station of the aerial ropeway nearest to the place at which the accident occurred, or where there is no station, the promoter's employee-in-charge of the |

section of the aerial ropeway on which the accident occurred shall, with the least possible delay, give notice of the accident to the magistrate of the district in which the accident occurred and to the officer-in-charge of the police station within the local limits of which it occurred or to such other magistrate and police officer as the Government may appoint in this behalf and shall also, if the accident is attended with loss of human life or serious physical injury to any human being, send information to the nearest dispensary.

Rescue
operations

24. If the Government incurs any expenditure during any rescue operation, the promoter shall be liable to pay the expenditure incurred by the Government and in case the promoter fails to pay the whole or part of it, it shall be recoverable as an arrears of land revenue.

Insurance cover

25. (1) In case of any accident or mishap, the promoter shall provide comprehensive insurance cover, in the manner as may be prescribed, to the persons availing aerial ropeway services of the Ropeway Projects built under Public Private Partnership (PPP) or Built Operate and Transfer (BOT) mode:
Provided that the Government shall not be liable for any claim on account of any accident or mishap in such Ropeway Projects.
- (2) The rate of comprehensive insurance shall be decided by the Government on the advice of the Expert Committee.

Power to close
and reopen
aerial ropeways

26. (1) If after inspecting any aerial ropeway opened to public traffic, an Inspector is of opinion that the aerial ropeway or any specified part thereof cannot be used without danger to the public or is no longer in a fit state for the carriage of any specified class of traffic, he shall state that opinion, together with the grounds therefore to the Government, and the Government, after such further enquiry, if any, as it may think fit, may thereupon order that, for reasons to be set forth in the order, the aerial ropeway, or the part thereof so specified, be closed to all traffic or to any specified class of traffic:
Provided that, in any case of extreme urgency, the Inspector may order the suspension of the working of the aerial ropeway or any part thereof which he considers necessary pending the orders of the Government.
- (2) When under sub-section (1) above an aerial ropeway or any part thereof has been closed to any traffic it shall not be reopened to such traffic until it has been inspected and its reopening sanctioned, in the prescribed manner.

- (3) The Deputy Commissioner of the concerned District may issue necessary notification for suspension of operation of Ropeway in case of natural and/or man-made disaster or any crisis situation when normalcy is adversely affected by any law and order situation of acts sabotage and/or terrorism.

CHAPTER VI

DISCONTINUANCE OF AERIAL ROPEWAYS

Cessation of powers of promoter on discontinuance of aerial ropeway

27. If, at any time after the opening of an aerial ropeway, it is proved to the satisfaction of the Government that the promoter has discontinued the working of the aerial ropeway or of any part thereof, without a reason sufficient, in the opinion of the Government, to warrant such discontinuance, the Government may, if it thinks fit, declare, by notification in the Official Gazette, that the powers of the promoter in respect of such aerial ropeway or part thereof shall, from such date as it may determine, be at an end; and thereupon the said powers shall cease and determine.

Explanation.- The working of an aerial ropeway shall be deemed to have been discontinued if it has ceased for the period determined in the order published under section 7 of the Act, or, if the period has not been so determined, for a period of three months.

Powers of the Government to remove aerial ropeway on cessation of promoter's powers

28. (1) When a declaration has been made by the Government under section 26 of the Act in respect of any aerial ropeway or of any part thereof, an officer appointed in that behalf by the Government may, at any time after the expiration of two months from the date determined as aforesaid, remove such aerial ropeway or part thereof, as the case may be; and the promoter shall pay to the officer so appointed such costs of removal as shall be certified by that officer to have been incurred by him.
- (2) If the promoter fails to pay the amount of costs so certified within one month after the delivery to him of the certificate or of a copy thereof, such officer may, either by public auction or private sale, and without any previous notice to the promoter, and without prejudice to any other remedy which he may have for the recovery of the said amount, sell and dispose of the materials of the aerial ropeway or part thereof so removed; and may, out of the proceeds of the sale, pay and reimburse to himself the amount of costs certified as aforesaid and the cost

of the sale, and shall pay over the residue (if any) of such proceeds to the promoter.

CHAPTER VII

PURCHASE OF AERIAL ROPEWAYS

Power of the Government and local authorities to purchase aerial ropeways

29. (1) Where the promoter is the Government, the Government may at any time transfer the undertaking or any part thereof to,-
- (a) a local authority or local authorities under terms and conditions approved by, and with the consent of, such authority or authorities; or
 - (b) to any other person under such terms and conditions as selected through a transparent bidding system between the Government and the transferee.
- (2) Where the promoter is not the Government, the Government may,-
- (a) within such limits of time and upon such terms and conditions as may be specified in this behalf in the order; or
 - (b) if a time was not specified in the order, then within six months after the expiration of a period of twenty-one years from the date of the order, and within six months after the expiration of every subsequent period of seven years, or
 - (c) within two months after the publication of a notification under section 27 of the Act or within six months after the publication of a notification under section 31 of the Act, by notice in writing, require the promoter to sell to the Government or to a local authority the aerial ropeway or a part thereof, and thereupon the promoter shall sell the same upon the terms specified in the order, or if the terms were not specified in the order, then upon the terms of receiving the then value of the aerial ropeway or of the part thereof. The then value of the aerial ropeway, shall be deemed to be twenty-five times the amount of the average yearly net earnings derived by the promoter from the aerial ropeway or part thereof, during the three years immediately preceding the date of sale:

Provided that, if the terms were not specified in the order published under section 7 of the Act, the total amount so payable to the promoter shall not exceed by more than twenty per cent the total capital expenditure of the promoter on the aerial ropeway, or part thereof.

- (3) A requisition shall not be made under sub-section (2) above requiring the promoter to sell to the local authority unless the making thereof has been approved by the local authority.
- (4) When a sale has been made under this section, all the rights, powers and authorities of the promoter in respect of the undertaking or part thereof sold, or, where a notification has been published under section 27 or section 31 of the Act, all the rights, powers and authorities of the promoter previous to the publication of the notification in respect of the undertaking or part thereof sold, shall be transferred to the authorities to whom the undertaking or part has been sold, and shall vest in, and may be exercised by, that authority in the same manner as if the aerial ropeway had been constructed by it under an order made under this Act.
- (5) Subject to, and in accordance with the preceding provisions of this section, two or more local authorities may jointly purchase an undertaking or so much thereof as is within their circles.
- (6) Where a purchase has been effected under sub-section (1) or sub-section (5) above,-
 - (a) the undertaking shall vest in the purchaser free from any debts, mortgages or similar obligations of the promoter or attaching to the undertaking:

Provided that any such debts, mortgages or similar obligations shall attach to the purchase money in substitution of the undertaking; and
 - (b) save as aforesaid, the order published under section 7 of the Act shall remain in full force and the purchaser shall be deemed to be the promoter:

Provided that where the Government elects to purchase, the order under section 7 of the Act shall, after purchase, in so far as the Government is concerned, cease to have any further operation.
- (7) Not less than two years' notice in writing of any election to purchase under clause (a) or clause (b) of sub-section (2) of this section shall be served upon the promoter by the Government or the local authority, as the case maybe.
- (8) Notwithstanding anything hereinbefore contained, a local authority may, with the previous sanction of the Government, waive its option to purchase and enter into an agreement with the promoter for the working by him of the undertaking until the expiration of the next subsequent period mentioned in the order or referred to in clause (b) of sub-section (2) above, upon such terms and conditions as may be stated in the agreement.

Power of promoter to sell when option to purchase not exercised and order revoked by consent

30. Where, on the expiration of any of the periods referred to in section 28 of the Act, neither the Government nor local authority purchases the undertaking, and the order published under section 7 of the Act is, on the application or with the consent of the promoter, revoked, the promoter shall have the option of disposing of all lands, buildings, works, materials, plants and apparatus belonging to the undertaking in such manner as he may think fit.

CHAPTER VIII

INABILITY OR INSOLVENCY OF PROMOTER

Proceedings in case of inability or insolvency of promoter

31. (1) If, at any time, after the opening of an aerial ropeway, it appears to the Government that the promoter is insolvent or is unable to maintain the aerial ropeway or to work the same with advantage to the public, or at all the Government may, after considering any statement which the promoter may desire to make, and after such enquiry as it deems necessary, declare by notification in the Official Gazette that the powers of the promoter in respect of such aerial ropeway, shall, at the expiration of six months from the date of such declaration, be at an end, and thereupon the said powers shall, at the expiration of that period, cease and determine.
- (2) At any time after the expiration of the said six months, an officer appointed by the Government in that behalf, may remove the aerial ropeway in the same manner and subject to the same provisions as to the payment of costs and to the same remedy for the recovery thereof in every respect as in cases of removal under section 28 of the Act.

CHAPTER IX

BYE-LAWS

Power of promoter to make bye-laws

32. (1) A promoter shall, subject to the provisions of sub-section (3) of this section, make bye-laws consistent with this Act,-
- (a) for regulating the speed at which carriers are to be moved or propelled;
- (b) for declaring what shall be deemed to be dangerous or offensive goods and for regulating the carriage of such

- goods;
- (c) for regulating the maximum number of passengers and the maximum weight of goods to be carried in each carrier;
 - (d) for regulating the use of steam power or any other mechanical power or electrical power on the aerial ropeway;
 - (e) for regulating the conduct of the promoter's employees;
 - (f) for regulating the qualifications of the staff employed for running and maintaining the aerial ropeway;
 - (g) for regulating the terms and conditions on which the promoter shall warehouse or retain goods at any station on behalf of the consignee or owner of such goods; and
 - (h) generally for regulating the travelling upon, and the use, working and management of the aerial ropeway.
- (2) Such bye-laws may provide that any person who contravenes the provisions of any of them shall be liable to fine which may extend to any sum not exceeding fifty rupees and that, in the case of a breach of a bye-law made under clause (c) of sub-section (1), the promoter's employee responsible for the same shall forfeit a sum not exceeding one month's pay, which sum may be deducted by the promoter from his pay.
- (3) A bye-law made under this section shall not take effect until it has been confirmed by the Government and published in the Official Gazette:

Provided that no such bye-law shall be so confirmed until it has been previously published by the promoter in such manner as may be prescribed.

CHAPTER X

SUPPLEMENTARY PROVISIONS

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| Returns | 33. A promoter shall, in respect of the aerial ropeway, submit to the Government returns of capital and revenue expenditure, receipts and traffic, at such intervals, and in such form, as may be prescribed. |
| Protection of roads, railways, tramways, and waterways | 34. No promoter shall, in the course of the construction, repair, working or management of an aerial ropeway, cause any permanent injury to any trees in public road, railway, tramway or waterway, or obstruct or interfere with, otherwise than temporarily as may be necessary, the |

traffic on any public road, railway, tramway or waterway.

Acquisition of
land on behalf
of a promoter

35. The Government may, if it thinks fit, subject to the provisions of the Act, on the application of any promoter desirous of obtaining any land for the purpose of constructing, extending, working or managing an aerial ropeway, acquire on his behalf such land under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 whether the said promoter is or is not a company as defined in the said Act and may if it thinks fit transfer the land owned acquired or controlled to any promoter for the purpose of the Act.

Central
Act No.
30 of
2013

Notification of
claims to refund
to overcharges
and
compensation
for losses

36. No person shall be entitled to a refund of an overcharge in respect of goods carried by an aerial ropeway or to compensation for the loss, destruction or deterioration of goods delivered to be so carried, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the promoter within six months from the date of the delivery of the goods for carriage by the aerial ropeway.

CHAPTER XI

POWER TO MAKE RULES AND REGULATIONS BY THE GOVERNMENT

Power of the
Government to
make rules

37. (1) The Government may, after previous publication, make rules to carry out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may prescribe-
- (a) the operation and maintenance regulations under this Act;
 - (b) the constitution of the Expert Committee under section 11 of the Act and terms and conditions of the appointment, qualifications and experience of its members;
 - (c) the power, functions and duties of an Inspectors appointed under section 12 of the Act;
 - (d) the accidents of which notice shall be given to the Government and to the Inspector;
 - (e) the duties of the promoter's employees and of police officers, and magistrate, on the occurrence of an accident;
 - (f) the maximum rates for passengers and various classes of goods which a promoter may fix under section 20 of the Act;

- (g) the standard dimensions and specifications to which the aerial ropeway is to conform;
 - (h) the manner of previous publication of bye-laws made under section 32 of the Act;
 - (i) the intervals at which a promoter shall submit returns under section 33 of the Act and the forms in which such returns shall be submitted;
 - (j) the manner in which notices under this Act shall be served;
 - (k) the manner in which, and the conditions under which, the booking of goods may be permitted between an aerial ropeway and railway, tramway or another aerial ropeway;
 - (l) the safe and efficient working of aerial ropeways;
 - (m) the conditions under which, and the manner in which, the powers conferred on promoters by section 16 and section 17 of the Act may be exercised;
 - (n) the procedure for the disposal of applications under sub-section (2) of section 26 of the Act to reopen aerial ropeway or part thereof and the conditions under which such aerial ropeway may be reopened;
 - (o) the preparation, submission and auditing of the accounts of the promoter;
 - (p) the method of arbitration for the settlement of disputes;
 - (q) the fees to be charged to promoters and other persons in respect of licences, enquiries, inspections, and services rendered under this Act shall be fixed and notified by the Government;
 - (r) the procedure for making, hearing, and disposing of applications under this Act.
- (3) All rules made under this section shall be published in the Official Gazette.
- (4) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that

any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of the
Government to
make
regulations

38. (1) The Government may, in particular and without prejudice to the generality of the forgoing power, and in consistent with the Act, make regulations for,-
- (a) approval of surveyors, competent persons, controllers and operators;
 - (b) supply of operation manual and manner of records to be kept maintaining an operational log;
 - (c) method of employment and duties of operational personnel;
 - (d) manner of operating the ropeway;
 - (e) pre-operational examinations, tests and requirements as to speed, load, etc;
 - (f) reporting of certain occurrences;
 - (g) prohibition of persons, goods and prohibition of using tobacco product, pan masala, smoking, etc;
 - (h) scheduled maintenance of the ropeway;
 - (i) prohibition on use of certain ropes;
 - (j) use of counterweight, cars, communication systems, electrical systems, maintenance of station and posting of warning notices;
 - (k) rescue operations and equipments;
 - (l) general safety precautions.
- (2) All regulations made under this section shall be published in the Official Gazette.
- (3) Every regulations made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the regulation or decides that the regulation should not be made, the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that regulation

CHAPTER XII

OFFENCES, PENALTIES AND ARRESTS

Failure of
promoter to
comply with Act

39. If a promoter,-

- (a) constructs or maintains an aerial ropeway otherwise than in accordance with the terms of an order made under section 7 of the Act; or
- (b) opens an aerial ropeway or permits it to be opened in contravention of any of the provisions of section 10 of the Act; or
- (c) fails to comply with the provisions of section 15 of the Act; or
- (d) fails to pay within a reasonable time any compensation awarded by a Deputy Commissioner under sections 16,17,18 or by the State Government or a District Judge under section 19 of the Act; or
- (e) contravenes any of the provisions of section 22 of the Act; or
- (f) fails to send notice of any accident as required by section 23 of the Act; or
- (g) fails to close an aerial ropeway in accordance with an order passed under sub-section (1) of section 26 of the Act or reopens any aerial ropeway in contravention of sub-section (2) of that section; or
- (h) continues to exercise the powers of a promoter in respect of any aerial ropeway in contravention of the provisions of section 27 or section 31 of the Act; or
- (i) fails to comply with the provisions of section 32 or section 33 of the Act; or
- (j) contravenes any of the provisions of section 34 of the Act; or
- (k) contravenes the provisions of any rule made under section 37 of the Act;

he shall, without prejudice to the enforcement of specific performance of the requirements of this Act, or of any other remedy which may be obtained against him, be punishable with fine which may extend to fifty thousand rupees and in the case of a continuing offence, to a further fine which may extend to one thousand rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

Unlawfully obstructing promoter's employee in discharge of his duty	40.	If a person, without lawful excuse, the burden of proving which shall lie upon him, wilfully obstructs or impedes any employee of a promoter in the discharge of his duty, he shall be punishable with fine which may extend to five hundred rupees.	
Unlawfully interfering with aerial ropeways	41.	<p>If any person, without lawful excuse, the burden of proving which shall lie upon him, wilfully does any of the following things, namely:-</p> <p>(a) interferes with, removes or alters any part of an aerial ropeway or of the works connected therewith;</p> <p>(b) does anything in such manner as to obstruct any carrier travelling on an aerial ropeway;</p> <p>(c) attempts to do or abets within the meaning of the Indian Penal Code, 1860 the doing of anything mentioned in clause (a) or clause (b);</p>	Central Act No. 45 of 1860
Punishments for acts or attempts tending to endanger safety or persons travelling or being upon aerial ropeways	42.	<p>(1) If any person does anything mentioned in clause (a), clause (b) or clause (c) of section 41 of the Act or does, attempts to do, or abets, within the meaning of the Indian Penal Code, 1860, the doing of any other act or thing in relation to an aerial ropeway with intent, or with knowledge that he is likely to endanger the safety of any person travelling or being upon the aerial ropeway, he shall be punishable with imprisonment for a term which may extend to fourteen years.</p> <p>(2) If the promoter does anything or omits to do anything, mentioned in section 39 of the Act, in relation to an aerial ropeway with intent or with knowledge that such act or omission is likely to endanger the safety of any person travelling or being upon the aerial ropeway, he shall be punishable with imprisonment for a term which shall not be less than one month but may extend to five years.</p>	Central Act No. 45 of 1860
Arrest for offence against certain sections and procedure thereupon	43.	(1) If any person commits any offence under section 40 or section 41 of the Act and obstructs the working of an aerial ropeway or commits any offence punishable with imprisonment under section 42 of the Act, he may be arrested without warrant or other written authority by any employee of the promoter or by any police officer, or by other persons whom such employee or officer may call to his aid.	

- (2) A person so arrested shall, with the least possible delay, be taken before a Magistrate having authority to try him or to commit him for trial.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

MEMORANDUM OF DELEGATED LEGISLATION

The proposed Bill will not create any delegated legislation.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

STATEMENT OF OBJECTS AND REASONS

Ropeway construction and its operation and management is generally controlled by an act of the region. In Indian scenario many of the states like Uttarakhand, Bihar, West Bengal, Maharashtra have their own Aerial Ropeway Acts. In addition to the Guwahati Ropeway, presently ropeways are in function in some of the cement industries in Assam. It is envisaged that in future many more ropeway construction will take place either promoted by the Government or by individual promoters. With the increased number of ropeways it is felt necessary to encourage the growth and operation of ropeway industry in a regulated manner.

The Assam Aerial Ropeways Bill, 2022 shall authorise, facilitate and regulate the construction and working of aerial ropeways in the State of Assam. The Bill contains:

- a) The procedure for approval of license for construction of new ropeways, transportation of passengers as well goods in the State of Assam.
- b) Constitution of an Expert Committee and appointment of ropeway inspectors to aid and advise the state government in regard to matter(s) for administration of the Act.
- c) Provision for fixation of fares to be charged to the promoters and other persons in respect of license, inspection and other services rendered under this Act.
- d) Power of Government to make regulations for operations and maintenance of aerial ropeways.
- e) Provisions for penalties on offences

ASHOK SINGHAL,

Minister,

Department of Housing and Urban Affairs,
Assam, Dispur.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly.

THE ASSAM UNIFIED METROPOLITAN TRANSPORT AUTHORITY BILL, 2022

A

BILL

to provide for the constitution of Unified Metropolitan Transport Authority for Urban Mobility Area in the state of Assam for the planning, supervision, co-ordination, development, regulation, maintenance and monitoring of urban transport.

Preamble

Whereas it is expedient to provide for the constitution of Unified Metropolitan Transport Authority for the planning, supervision co-ordination, development, and regulation of urban transport in urban mobility areas and for matters connected and incidental thereto in the state of Assam;

It is hereby enacted in Seventy-third Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

Short title, extent, and commencement

1. (1) This Act may be called Assam Unified Metropolitan Transport Authority Act, 2022.
- (2) It extends to the Urban Mobility Areas of the state of Assam as specified in section 3 of the Act.
- (3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different areas in the state.

Definitions

2. In this Act, unless the context otherwise requires, -
 - (a) “**Authority**” means the Assam Unified Metropolitan Transport Authority constituted under section 4 of this Act,
 - (b) “**Chairperson**” means the Chairperson of the Authority constituted under section 4 of this Act;
 - (c) “**Chief Executive Officer**” means the Chief Executive Officer appointed under sub-section (2) of section 9 of this Act;
 - (d) “**Central Government**” means the Government of India;

- (e) **“Comprehensive Mobility Plan”** means the plan, document that outlines the strategies and related actions for such Urban Mobility Area for safe, clean, and efficient, sustainable transport for enhancement of mobility of people and goods in Urban Mobility Area covering all elements of transport under an integrated planning process;
- (f) **“Executive Committee”** means the executive committee of the Authority constituted under sub-section (1) of section 12 of this Act;
- (g) **“eminent expert”** means a person having knowledge and experience in transport and related infrastructure planning, drafting of policy and development of urban transport projects respectively;
- (h) **“Fund”** means the Unified Transport Fund created under section 18 of this Act;
- (i) **“Member”** means a member of the Authority under sub-section (3) of section 4 of this Act;
- (j) **“Member Secretary”** means the Senior most Secretary of the Housing and Urban Affairs, Department of the State who shall act as the conveyor of the Authority and the Executive Committee as under clause (e) of sub-section (3) of section 4 and clause (b) of sub-section (2) of section 12 of this Act;
- (k) **“notification”** means a notification published in the Official Gazette and the expression “notified” with its cognate meanings and grammatical variations, shall be construed accordingly;
- (l) **“prescribed”** means the rules made under this Act.
- (m) **“Regulations”** means the regulations made by the Authority under this Act;
- (n) **“rules”** means rules made by the State Government under this Act for implementing the aims and objects of the Act;
- (o) **“special invitee”** means a person who is invited by the Authority to attend only such meetings of the Authority as the Authority deems fit, without having voting rights whatsoever;
- (p) **“State”** means the State of Assam;
- (q) **“State Government”** means the Government of Assam;
- (r) **“Schedule”** means any Schedules appended to this Act;
- (s) **“transport investment programme”** means a detailed five - year [or such period as decided by the

Government] investment programme for Urban Transport in the Urban Mobility Area prepared in conjunction with the relevant Urban Transport agencies;

- (t) “**Urban Mobility Area**” means an area notified as an Urban Mobility Area by the State Government for the purposes of this Act by notification in the Official Gazette and such notification may include the municipal corporation/local body limits of the city and such other area adjacent or connected to the municipal corporation limits, or an area relevant in the opinion of the State Government for the purpose of Comprehensive Mobility Plan, taking into consideration local patterns and trends of urban growth:

Provided that the Government of Assam, may, by notification, make alteration or change any area within an Urban Mobility Area.

- (u) “**Urban Transport**” means urban transport with its all-grammatical variations covering all aspect of transport infrastructure, facilities, vehicles, and services available to the public in the Urban Mobility Area, including but not limited to private transport vehicles and services; and all modes and means of transportation within the categories specified in the Schedule.

CHAPTER II

DECLARATION OF URBAN MOBILITY AREA

Declaration of Urban Mobility Area and alteration of its limits

3. (1) The state Government may, from time to time by notification published in the Official Gazette declare, alter, include or exclude any Urban Mobility Area, by prescribing its territorial limit on such terms and conditions as deemed fit for purpose of this Act.
- (2) A map showing the boundary or modified boundary of the Urban Mobility Area to be notified under this section shall be published in at least two English and two vernacular newspapers having circulation in that Urban Mobility Area.

CHAPTER III

THE ASSAM UNIFIED METROPOLITAN TRANSPORT AUTHORITY

Constitution of Assam Unified Metropolitan Transport Authority

4. (1) The State Government may by notification in the Official Gazette, constitute the Assam Unified Metropolitan Transport Authority for the Urban Mobility Area of the state.

- (2) The Authority shall be a body corporate having perpetual succession and a seal with power to enter into contracts and to acquire, hold and dispose-off property both movable and immovable and sue and be sued in its name.
- (3) The Authority shall consist of following members, namely: -
- (a) Chief Minister : Chairperson
 - (b) Minister in charge of Housing and Urban Affairs : Vice-Chairperson
 - (c) Minister in charge of Transport : Deputy-Chairperson
 - (d) Chief Secretary : Member
 - (e) Senior most Secretary of the Housing and Urban Affairs Department : Member-Secretary
 - (f) Senior most Secretary of Finance Department : Member
 - (g) Senior most Secretary of the Home Department : Member
 - (h) Senior most Secretary of the Transport Department : Member
 - (i) Senior most Secretary of the Transformation and Development Department : Member
 - (j) Senior most Secretary of the Department of Environment and Forest : Member
 - (k) Senior most Secretary of the Public Works (Roads) Department : Member
 - (l) General Manager the North-East Frontier Railway : Member
 - (m) Regional Officer or Chief General Manager of the National Highways Authority of India : Member
 - (n) Special Invitee, as defined in clause (o) of section 2 to be nominated by the Authority : Members

Members not to have certain interest

5. No Member of the Authority shall have any share or interest, whether in his own name or otherwise, in any company or body corporate or an association of persons (whether incorporated or not) or a firm engaged in the business of Urban Transport. In case a Member of the Authority acquires, directly or indirectly or becomes interested in any manner whether in his own name or otherwise, any share or pecuniary or other interest in any contract, an arrangement or proposal entered into, or proposed to be entered into by or on behalf of the Authority, shall cease to be a Member of the Authority:

Provided a Member shall not be deemed to have any such share or interest, only by virtue of being a share holder of a public limited company/concern in any such contract, loan, arrangement, or proposal or that he himself or any relation of his, employed by or on behalf of the Authority or he has such share or interest in his capacity as a Member of the Authority.

Resignation, Removal, or Suspension of Members

6. (1) Any Member, other than Ex-officio member may by notice in writing under this hand addressed to the State Government may reassign from his office:

Provided that a member who has given notice of his resignation, shall continue to hold office till the acceptance of his resignation by the State Government.

- (2) Notwithstanding anything contained in sub-section (1), the State Government may, by order, remove any member nominated or appointed by the State Government from his office, if such member: -

- (a) is, or at any time has been, adjudged as an insolvent; or
- (b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (c) has acquired such financial or other interest as is likely to affect prejudicially his functions; or
- (d) has so abused his position as to render his continuance in office prejudicial to the public interest; or
- (e) has become physically or mentally incapable of acting as a member:

Provided that no member shall be removed from office under clause (c) unless the State Government, after holding an enquiry and providing a reasonable opportunity of hearing contentions of the member proposed to be removed from the office in accordance

- with such procedure as may be prescribed in this behalf and is satisfied that such member ought to be removed from such office on such ground.
- (3) If a vacancy occurs in the office of a Member, either by reason of death, resignation, removal or otherwise, such vacancy shall be filled up, as soon as may be, by the State Government. Such Member shall hold office only for the remainder of the term for which the person whose place he fills would have been a Member.
- Term of office and condition of service of Members**
7. (1) The term of office, allowances payable to and other conditions of service of the Members, as the case may be shall be of such as may be prescribed.
- (2) The term of office of the expert Member shall not exceed 2 years from the date of appointment. The term may, however, be extended by the Authority for another 1 year.
- Powers of Chairperson of the Authority**
8. (1) The Chairperson shall have the powers of general superintendence, direction, and control in respect of all administrative matters of the Authority:
- Provided that the Chairperson may delegate such powers relating to administrative matters of the Authority, as he may deem fit, to the Vice-Chairperson or Deputy Chairperson or any other Member of the Authority.
- (2) The Chairperson may cast his vote in case of a dead lock on any issue or matter in the Authority.
- Secretariat, Chief Executive Officer, officers, and staff of the Authority**
9. (1) The State Government may by notification, appoint any department/ agency to provide secretariat support to the Authority till such time as the Authority gets fully functional and operationalized.
- (2) The State Government shall by notification in Official Gazette appoint a person as a Chief Executive Officer of the Authority of the Urban Mobility Area and who shall have the responsibility of implementation of the decisions of the Authority and the general administration as may be prescribed and delegated by the Authority.
- (3) The Authority may appoint such number of officers, professionals, experts, and supporting staff either on its own or on deputation as may be prescribed.

**Powers and
functions of the
Authority**

- (4) The salaries and allowances payable to and other terms and conditions of service of the Chief Executive Officer and other officers and employees of the Authority shall be governed by such conditions of services as may be prescribed;

10. (1) Notwithstanding anything contained in any other law for the time being in force, with a view to efficiently execute its functions as set forth in this Act, the Authority shall have the following powers and functions, namely:-
- (a) Accept, acquire, hold, surrender, transfer or re-convey security (including security provided in a financing arrangement) of any kind in any form whatsoever;
 - (b) Purchase, lease, hold, construct, manufacture, maintain, sell, dispose off, or otherwise deal any property whatsoever (whether movable or immovable) or any part thereof required for or in connection with the implementation of objects and purpose of this Act;
 - (c) Borrow, lend, fund and/or facilitate financing of all transport related investment seeking funds managed by the Authority, for the implementation of the projects, plans, schemes, and proposals included in the Transport Investment Programme to ensure development of comprehensive, integrated and planned Urban Transport in the Urban Mobility Area;
 - (d) Approve all major Urban Transport projects proposed for or in the Urban Mobility Area to be developed by the State or any other agencies under the State Government, or any local government agency, from the perspective of consistency with the Comprehensive Mobility Plan in the manner as may be prescribed.
 - (e) Monitor and audit compliance with the Comprehensive Mobility Plan and the Transport Investment Programme;
 - (f) Monitor use of funds for Urban Transport and ensure audit of accounts and loans;
 - (g) Enforcement of rules and regulations made from time to time under this Act;
 - (h) Approve Comprehensive Mobility Plan and various plans, schemes, programmes submitted by the Executive Committee for an Urban

Mobility Area;

- (i) Approval of policies (including policies relating to road and traffic safety) for development and regulation of Urban Transport throughout the State;
 - (j) Approve Transport Investment Programme for the Urban Mobility Area, to achieve the goals of the Comprehensive Mobility Plan;
 - (k) Approve plan and provide directions for development of integrated facilities and systems for Urban Transport access;
 - (l) Review the works of Executive Committee regarding the implementation of schemes related to public transport related schemes, plans, projects, and other programmes in the State;
 - (m) Approve standards and guidelines relating to the development and operation of Urban Transport as approved by the Authority;
 - (n) Delegate any function and powers to Executive Committee of the Authority.
- (2) The Authority may appoint any person or agency to perform any activities or works mentioned in relation to its functions provided in sub-section (1) above:
- Provided that such work or activities undertaken by any person or agency shall be subject to such restrictions, limitations, and conditions as may be laid down by the Authority, and shall also be subject to the supervision, control, and revision by the Authority.
- (3) Subject to the provisions of this Act, the Authority may time to time incur expenditure and undertake works through the Executive Committee in the Urban Mobility Area.

Meetings of the Authority

11. (1) The Authority shall meet at such times, at such places and shall observe such procedures in regard to the transaction of business at its meetings as may be prescribed in the Regulations:

Provided that the Authority shall meet at least once in six months.

- (2) The Chairperson shall preside over the meeting but in his absence, the Vice Chairperson or in his absence the Deputy Chairperson of the Authority shall preside over the meetings of the Authority and if for any reason they are unable to attend the meeting, any other member elected by the Members present shall preside

over the meeting.

- (3) Subject to sub-section (2) of section 8, all issues arising before the Authority shall be decided in consensus in the meetings of the Authority, and if no consensus is reached, the decisions shall be taken by a majority of votes.
- (4) Every Member who in any way, whether directly or indirectly, has a conflict of interest relating to the matter to be decided at the meeting, shall disclose the nature of his interest and after such disclosure, the Member concerned shall not participate or vote on the agenda or issue where he is an interested person after such disclosure or otherwise.

CHAPTER IV THE EXECUTIVE COMMITTEE OF THE AUTHORITY

Constitution of the Executive Committee

12. (1) The State Government shall constitute Executive Committee, for the Authority by notification in the Official Gazette.
- (2) The Executive Committee shall consist of following members, namely; -
 - (a) Chief Secretary : Chairperson
 - (b) Senior most Secretary of the : Member
Housing and Urban Affairs Secretary
Department
 - (c) Senior most Secretary of : Member
Finance Department
 - (d) Senior most Secretary of the : Member
Home Department
 - (e) Senior most Secretary of the : Member
Transport Department
 - (f) Principal Chief Conservator of : Member
Forests and Head of Forests
Force, Government of Assam
 - (g) Commissioner of Police or : Member
Superintendent of Police of the
Police Department, with
jurisdiction over the designated
Urban Mobility Area
 - (h) Divisional Railway Manager of : Member
the North-East Frontier
Railway, with jurisdiction over
designated Urban Mobility Area

- (i) Director, Inland Water : Member Transport
- (j) Chief Executive Officer of : Member (City) Development Authority
- (k) Commissioner of the (City) : Member Municipal Corporation
- (l) Director, Town and Country : Member Planning Department of the state
- (m) Managing Director, Assam : Member Power Distribution Company Limited
- (n) Chief Engineer, Public Works : Member (Roads) Department
- (o) Regional Officer or Chief : Member General Manager of the National Highways Authority of India
- (p) Deputy Commissioner of : Member respective district(s) with jurisdiction over designated Urban Mobility Area
- (q) Two eminent experts, as : Member defined in clause (g) of section 2 to be nominated by the Authority.

- (3) Every nominee Member as provided above shall hold the office as Member ex-officio on holding position in a government department/ local body/ authority and shall cease to be a member of the Authority upon relinquishment of such post or position.

Term of office and condition of service of Members of Executive Committee

13. (1) The term of office, allowances payable to and other conditions of service of the Members of the Executive Committee as the case may be shall be of such as may be prescribed.
- (2) The term of office of the expert Member shall not exceed 2 years from the date of appointment. The term may, however, be extended by the Authority for another 1 year.

Resignation, Removal, or Suspension of Members of Executive Committee

14. (1) Any Member, other than Ex-officio member may by notice in writing under his hand addressed to the State Government may reassign from his office:
Provided that a Member who has given notice of his resignation, shall continue to hold office till the acceptance of his resignation by the State Government.

- (2) Notwithstanding anything contained in sub-section (1), above, the State Government may, by order, remove any Member nominated or appointed by the State Government from his office, if such Member: -
- (a) is, or at any time has been, adjudged as an insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
 - (c) has acquired such financial or other interest as is likely to affect prejudicially his functions; or
 - (d) has so abused his position as to render his continuance in office prejudicial to the public interest; or
 - (e) has become physically or mentally incapable of acting as a Member:

Provided that no Member shall be removed from office under clause (c) unless the State Government, after holding an enquiry and providing a reasonable opportunity of hearing contentions of the Member proposed to be removed from the office in accordance with such procedure as may be prescribed in this behalf, is satisfied that such Member ought to be removed from such office on such ground.

- (3) If a vacancy occurs in the office of a Member, either by reason of death, resignation, removal or otherwise, such vacancy shall be filled up, as soon as may be, by the State Government. Such Member shall hold office only for the remainder of the term for which the person whose place he fills would have been a Member.

**Powers of
Chairperson of
the Executive
Committee**

15. (1) The Chairperson shall have the powers of general superintendence, direction, and control in respect of all administrative matters of the Committee:

Provided that the Chairperson may delegate such powers relating to administrative matters of the Committee, as he may deem fit, to the Senior most or any other Member of the Committee.

- (2) The Chairperson may cast his vote in case of a dead lock on any issue or matter of the Committee.

**Duties and
functions of the
Executive
Committee**

16. (1) Notwithstanding anything contained in any other law for the time being in force, and without prejudice to the foregoing power, the Committee's functions may include the following, namely:-

- (a) Prepare Comprehensive Mobility Plan for the Urban Mobility Area, in conjunction with the City Development Plan, land-use plan or any other relevant plan applicable to the Urban Mobility Area and update such plan on a periodic basis as may be prescribed to ensure integration of land use and transport planning on a regular basis;
- (b) Prepare Transport Investment Programme for the Urban Mobility Area, to achieve the goals of the Comprehensive Mobility Plan;
- (c) Ensure implementation and regulation of policies, proposals, orders, byelaws, regulations, advisories, directions set by the Authority related to Urban Transport;
- (d) Publish and issue standards and guidelines relating to the development and operation of Urban Transport as approved by the Authority;
- (e) Propose/suggest any other function to the Authority to ensure sustainability of public transport and traffic systems in cities;
- (f) Discharge or perform any other function as directed by the Authority from time-to-time;
- (g) Ensure integration of fares of various transport systems in the Urban Mobility Area;
- (h) Assign the development, construction, repair, reconstruction, and operation and management of any integrated or stand-alone transport infrastructure or facilities that aid and enhance the efficiency or service levels to the consumers, in the Urban Mobility Area to Urban Transport agencies;
- (i) Manage and regulate Urban Transport Fund;
- (j) Promote seamless access within the Urban Mobility Area through integrated planning of Urban Transport;
- (k) Adopt existing standards and guidelines provided by State Government and Central Government and agencies under them from time to time and as necessary develop, publish, and issue their own standards and guidelines related to Urban Transport within the Urban Mobility Area in accordance with the requirements of such Urban Mobility Area;

- (l) Support solutions for management and integration of Urban Transport including transport planning, design of transport systems and selection of mode of transport, including technology based or other solutions;
 - (m) Support adoption of digital tools and interventions to enhance the overall mobility experience for the commuters, and to improve the overall efficiency of the concerned department or operating agencies or implementing agency etc.;
 - (n) Encourage and assist Urban Transport authorities and agencies to adopt, transition towards relevant and applicable latest advancements and facilitate creation of enabling ecosystems;
 - (o) Collation of information on Urban Transport within the Urban Mobility Area and provision of the same to the relevant agencies with a view to contribute to the national database on Urban Transport;
 - (p) Promote commuter awareness in relation to Urban Transport, and ensure that information is appropriately publicized and displayed for users of Urban Transport within the Urban Mobility Area;
 - (q) Undertake activities for the purpose of advancement of skills of the persons employed by the Authority, including the provision of facilities for training, education, and research;
- (2) The Executive Committee may appoint any person/agency to perform any activities and/or works mentioned in relation to its functions provided in sub-section (1) above:
- Provided that such work or activities undertaken by any person or agency shall be subject to such restrictions, limitations, and conditions as may be laid down by the Executive Committee, and shall also be subject to the supervision, control, and revision by the Executive Committee.
- (3) Subject to the provision of this Act, the Executive Committee may time to time incur expenditure and undertake works mentioned in sub-section (1) and (2) in the Urban Mobility Area.

- (4) The Executive Committee shall ensure effective implementation of this Act in Urban Mobility Area notified for the purpose of this Act, and in this regard it shall also perform such functions and duties as the State Government or the Authority may authorize from time to time as may be prescribed.

**Powers of the
Executive
Committee**

17. (1) Notwithstanding anything contained in any other law for the time being in force, with a view to efficiently execute its functions as set forth in this Act, the Executive Committee of the Authority shall have the powers to:-
- (a) Accept, acquire, hold, surrender, transfer or re-convey security (including security provided in a financing arrangement) of any kind in any form whatsoever; but subject to such powers of the Authority under clause (a) of sub-section (1) of section 10.
 - (b) Purchase, lease, hold, construct, manufacture, maintain, sell, dispose of, or otherwise deal any property whatsoever (whether movable or immovable) or any part thereof required for or in connection with implementation of objects and purpose of this Act, but subject to such powers of the Authority under clause (b) of sub-section of section 10.
 - (c) Recommend, monitor, and advise on levy of parking charges and fees for Urban Transport services and fares for public transport may be prescribed time to time by relevant authorities.
 - (d) Manage the Urban Transport Fund (UTF) for Urban Transport activities and ensure Audit of accounts and loans.
 - (e) Resolve disputes arising out of Urban Transport.
 - (f) Impose penalty as prescribed under the Act or rules framed under this Act, for non-compliance of rules, regulations, directions, by-laws, orders, circulars etc. issued time to time.
 - (g) Direct Urban Transport agencies, including special purpose vehicles, to develop affordable Urban Transport and regulate traffic in the Urban Mobility Area.
 - (h) Replace any existing special purpose vehicle in the Urban Mobility Area through legal recourses or modes including but not limited to acquisition, amalgamation, merger, takeover,

		change in management etc.
		(i) Rationalization of routes and issuance of permits or licenses for Urban Transport services to concerned Urban Transport agencies.
		(j) Issue safety guidelines approved by the Authority or by Government with respect to Urban Transport according to rules and regulations made under this Act.
Power to give direction to Urban Transport agencies	18.	To ensure effective implementation of the objects and purposes of this Act, notwithstanding anything contained in any other law for the time being in force, the Authority may give such directions with regards to the implementation of any Urban Transport project within the Urban Mobility Area, as it may deem fit, to the relevant agencies responsible for provision of Urban Transport within the Urban Mobility Area, and such directions shall be binding on such agencies and departments under the local and State Government. The Authority may take such measures as it may deem appropriate to ensure implementation of the plans approved by the Authority.
Power to enter into contracts	19.	The Authority may enter into contracts, agreements or arrangements with any person or organization as the Authority may deem necessary for performing its functions in a manner as may be prescribed.
Preparation of a Comprehensive Mobility Plan for the Urban Mobility Area	20. (1)	The Executive Committee of the Authority, shall prepare a Comprehensive Mobility Plan for the Urban Mobility Area to ensure integrated, comprehensive, and planned development of transport in the Urban Mobility Area, in conjunction with the land use plan applicable to the Urban Mobility Area, such plan shall include but not be limited to, -
		(i) various types of infrastructure, facilities and other works;
		(ii) various public transport systems and services;
		(iii) procedures and processes to resolve any issues in relation to any existing transport system or transport services being operated;
		(iv) mechanisms that shall govern the implementation of such plans in order to achieve the objects and purpose of this Act; and
		(v) such other matters that may be necessary for the development and implementation of such plans:

Provided, however, in the event there is any other authority and/or committee constituted under any other law for the time being in force to formulate, develop or implement any plan, or scheme in relation to Urban Transport within the Urban Mobility Area, the Executive Committee shall discharge its functions under this section in consultation with such authority.

- (2) Before finalizing any plan as provided under this Act, the Executive Committee, shall prepare a draft plan making it available for inspection, and publishing a notice in such form and manner as may be prescribed. In this regard inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice, subject to a maximum time period of 2 (two) months from the date of publication of the notice. The Authority shall after giving adequate opportunity to the concerned persons and after considering such suggestions, objections, and representations, if any, shall finalize the draft plan.
- (3) After finalization of the plan based on comments received, the Executive Committee shall submit such plan to the Authority for its approval and the Authority may either approve the plan with or without modifications as in its opinion are necessary, or reject the plan, with such directions to the Executive Committee to prepare a new plan based on the recommendation issued by the Authority in relation thereof.
- (4) Every year from the date of coming into operation of the finally prepared Comprehensive Mobility Plan (CMP), the Authority shall review such plan in its entirety and may, after such review, may substitute it by updated plan or may make such modifications or alternations therein, as may be found by it to be necessary, following the procedure as per provision of sub-section (2) above. The Comprehensive Mobility Plan (CMP) shall be updated at least once in every five years or earlier, as it may deem necessary.
- (5) The Authority may review the existing Comprehensive Mobility Plan whenever, in its opinion, it has become necessary and expedient to do so in public interest.

**Meetings of the
Executive
Committee**

21. (1) The Executive Committee shall meet at such times, at such places and shall observe such procedures in regard to the transaction of business at its meetings (including the quorum thereat) as may be prescribed:

Provided that Executive Committee shall meet at least once in two months.

- (2) All issues arising before the Committee shall be decided by consensus in the meetings of the Committee, and if no consensus is reached, the decisions shall be taken by a majority of votes.

CHAPTER V URBAN TRANSPORT FUND

Fund of the Authority

22. (1) The Authority shall establish an “Urban Transport Fund (UTF)” for the purposes of implementation of the Act, and shall comprise the following, namely:-
- (a) Part of any grant and fund received through allocations (including budgetary allocations) by the Central Government;
 - (b) Part of any grant and fund received through allocations (including budgetary allocations) by the State Government;
 - (c) Part of any grant and fund received through allocations by any other agency including donor agencies;
 - (d) Revenue collected from the various innovative sources shall be deposited in the UTF account.
- [Explanation: Innovative sources of revenue can be identified through mapping direct and indirect beneficiaries of urban mobility system, existing practices of the state of Assam, funding mechanism under this Act.]
- (2) The monies and revenues accumulated in the Fund may be used for the purposes of this Act as may be prescribed.
 - (3) The Authority may create sub-funds as required to ensure that the objects and the purposes of this Act are achieved in an effective manner.
 - (4) The Authority shall carry out the management of the Fund either on its own or through an authorized representative.
 - (5) The Authority shall formulate regulations for administration and management of the funds.
 - (6) The Authority shall keep its Fund in any of the scheduled banks or as decided by the Authority.
 - (7) The Authority may invest any portion of its Fund in such securities or in such other manner and for such

time as may be prescribed.

- | | | |
|--|-----|---|
| | (8) | The State Government may contribute an initial sum as found appropriate as the seed fund to the Authority. The contribution shall be utilized by the Authority to meet the expenditures necessary for effective establishment and functioning of the Authority. |
| Grants and Loans by the Central Government, State Government, or other entities | 23. | The Central Government, State Government or other entities may make such grants, contribution, aid, assistance, advances, and loans to the Authority as may be deemed necessary for the performance of the functions under this Act and all such grants, loans, contributions, aid, assistance, and advances so made shall be spend on such terms and conditions, as may be determined by State Government. |
| Priority of payment for interest and repayment of loans | 24. | All payments due from the Authority on account of interest on loans or the repayment of loans shall be made in priority out of all other dues from the Authority. |
| Power to raise finances | 25. | (1) The Authority may raise finances or borrow for the effective implementation of the object and purposes of the Act through loans or debentures or issuing bonds or any other financial instrument from such sources (other than the State and the Central Government) and on such terms and conditions as may be approved by the State Government. |
| | (2) | The State Government may guarantee, in such manner as it thinks fit, the repayment of the principal and the payment of interest thereon with respect to the loans borrowed by the Authority under sub-section (1) above. |
| Grants and Loans by the Authority | 26. | The Authority may make such grants, advances, and loans to any such agencies dealing in Urban Transport, within the Urban Mobility Area as may be deemed necessary and all such grants, loans and advances so shall be on such terms and conditions, as may be determined by the Authority in making such grants, advances, or loans. |
| Comprehensive Debt Limitation Policy | 27. | The State Government shall frame a comprehensive debt limitation policy applicable in case of loans or debt or any form of finance raised by the Authority, laying down <i>inter alia</i> the general principles governing the raising of loans, the limit of the loans which the Authority may raise having regard to its financial capacity, the proposed projects and terms and conditions, including repayment thereof. |
| Sinking fund | 28. | (1) The Authority shall maintain a sinking fund for repayment of the amount borrowed by it and shall deposit |

- in every year into the sinking fund such sum as may be sufficient for re-payment within the period fixed for the amount so borrowed.
- (2) The sinking fund or part thereof shall be applied in or towards the discharge of the loan for which such fund was credited, and until such loan is wholly discharged it shall not be applied for any other purpose.
- Budget of the Authority** 29. (1) The Authority shall by such date in each year as may be prescribed, prepare, and submit to the State Government for approval, a budget for the next financial year showing the estimated receipts and expenditure during that financial year in such form as may be prescribed.
- (2) The budget prepared by the Authority, in so far as it does not require any revenue contribution from the State Government, shall be final and can be adopted by the Authority without the need for any prior approval of the State Government. However, the budget prepared by the Authority, to the extent that it requires any revenue contribution from the State Government, shall be subject to the final approval from the State Government and be subject to such change or terms and conditions as may be prescribed.
- Audit** 30. (1) The accounts of the Authority shall be subject to an annual audit by the Accountant General of the State and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Accountant General. The Accountant General or any person appointed by him in connection with the audit of accounts of the Authority shall have the same right, privilege, and authority in connection with such audit as the Accountant General has in connection with the audit of the Government accounts, and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers.
- (2) A copy of the audit report shall be submitted to the State Government, the Authority and any other relevant person or authority specified by the State Government.
- Annual report** 31. (1) The Authority shall prepare for every year a report of its activities during that year and submit the report to the State Government in such form, on or before such date as may be prescribed.
- (2) The Authority shall at the end of each financial year submit an audited annual statement to the State Government including but not limited to the following:-
- (a) amount of debt, loan raised;

- (b) details of the investment made during the year;
- (c) mode of repayment including the amount that has been earmarked for the Sinking Fund;
- (d) amount of securities that have been created or raised; and
- (e) any other matter specified by the State Government.

Returns

32. The Authority shall furnish to the State Government such reports, returns and other information as the State Government may time to time require.

CHAPTER VI

OFFENCES AND PENALTIES

Penalty for failure in complying with the provisions of this Act, rules or regulations

33. Whoever fails to comply with the provisions of this Act, rules or regulations made thereunder may be liable to pay fine, which may extend to ten thousand rupees.

Offences by companies

34. (1) Where the person who contravenes any of the provisions of this Act, rules or regulations made thereunder is a company, every person, who, at the time of such contravention was in-charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be liable for such contravention and shall be liable to be proceeded against:

Provided, that nothing contained in this sub-section shall render any such person liable to any such fine if he proves that the contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such contravention.

- (2) Notwithstanding anything contained in sub-section (1), where the contravention of the provisions of this Act, rules or regulations has been done by a company and it is proved that such contravention has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary, or other officer shall also be deemed to be guilty of that contravention and shall be liable to be proceeded against and punished accordingly.

Explanation: - For the purposes of this section:

- (a) "company" means a body corporate and include a firm or other association of individuals; and
- (b) "director" in relation to firm means partner in the firm.

Fines to be deposited in Urban Transport Fund

35. The proceeds of all fines and compounding fees realized under this Act shall be credited to the Fund.

**Fines not to affect other liabilities
Cognizance of offences**

36. The fine imposed under this Act shall be in addition to, and not in derogation of, any liability under any other law for the time being in force.
37. (1) No court shall take cognizance for contravention of any of the provisions of this Act, rules or regulations punishable under this Act save on a complaint made on behalf of the Authority duly signed by the Chief Executive Officer.
- (2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court inferior to that of a Central Act 2 of 1974 Judicial Magistrate of the First Class shall try an offence under this Act.

Compounding of offences

38. (1) Any contravention of the provisions of this Act, rules or regulations punishable under this Act may, either before or after the institution of any prosecution, be compounded by the Authority or by an officer authorised in this behalf by the State Government by notification in the Gazette, by accepting a compounding fee as may be prescribed by rules and a receipt of the amount so received shall be issued to the offender or the person concerned, in the Form as may be prescribed:

Provided that the compounding fee shall not exceed the maximum amount of fine mentioned in section 33 of the Act:

Provided further that where the contravention of any of the provisions of this Act, rules or regulations is by any company or its officer such contravention shall not be compounded if the investigation against such company has been initiated or is pending under this Act.

- (2) Nothing in sub-section (1) shall apply in case of the subsequent contravention of the provisions of this Act, rules or regulations made by a company or a person within a period of three months from the date on which an earlier contravention made by company or person was compounded under this section.

- (3) Where the compounding of any contravention of the provisions of this Act, rules or regulations is made after the institution of any prosecution, such compounding shall be brought by the Authority, in writing, to the notice of the court in which the prosecution is pending and on such notice of the compounding of such contravention is being given, the person in relation to whom it is so compounded shall be discharged.

CHAPTER VII MISCELLANEOUS

Protection of action taken in good faith

39. No suit, prosecution or other legal proceedings shall lie against the State Government or the Authority or any officer of the State Government or any Member, officer, or other employee of the Authority for anything which is done in good faith or intended to be done under this Act, rules or regulations made thereunder.

Service of notice etc.

40. Every notice, order or other document required by this Act or any rule or regulation made thereunder shall be signed by the Chief Executive Officer or such other officer of the Authority duly authorized by rules, with seal of the Authority and shall be served upon the party or parties concerned by following modes: -

- (i) by personal service;
- (ii) by registered post;
- (iii) by affixing it at the house or principal place of business of the party concerned as the case may be;
- (iv) by publication in one Assamese daily, and one English daily newspaper published within the Urban Mobility Area;
- (v) in case the party to be served is a registered company, a partnership firm, a body corporate, a local authority, a society, or other body, it shall be served upon the principal officer of the said firm or organization as determined by the Chief Executive Officer in his discretion and it shall then be deemed to have been duly served on each director partner or member of the said firm or organization;
- (vi) in case the party to be served is a minor or a lunatic it shall be served upon his guardian as determined by the Chief Executive Officer in his discretion.

Public notices

41. Every public notice given under this Act shall be in writing under the signature of the Chief Executive Officer with its

		seal and shall be caused or pasted or put up at prominent place in the locality affected thereby, affixing copies thereof at conspicuous public places within the said locality and by publishing the same in one prominent local and English daily newspapers and having circulation in the Urban Mobility Area.	
Notices, etc., to fix reasonable time	42.	Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time has been fixed in this Act or the rule or regulation, the notice, order, or other document shall specify a time not less than one week for doing the same.	
Authentication of order and documents of the Authority	43.	All permissions, orders, decisions, notices, and other documents of the authority shall be authenticated by the signature of the Chief Executive Officer or any other officer authorized by the Authority in this behalf.	
Members and officers to be public servants	44.	Every Member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and section 197 of the Criminal Procedure Code, 1973.	Central Act No. 45 of 1860 Central Act No. 2 of 1974
Power to delegate	45.	The Authority may, by notification, declare that any power exercisable by it or any of its officers under this Act, except the power to make regulations, may also be exercised by such officer or local authority or the Committee constituted under this Act as may be mentioned therein in such cases and subject to such conditions, if any, as may be specified therein.	
Restriction on execution against the Authority	46.	No execution or attachment process or order shall be issued against any transport works or any property vested in the Authority.	
Effect of other laws	47.	(1) The provisions of this Act, and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. (2) Notwithstanding anything to the contrary contained in any other law, development plan or master plan of the area, any development in accordance with the provision of this Act or rules and regulations made thereunder shall not be illegal or unauthorized in absence of any permission, approval or sanction required under such other law for such development has not been obtained.	

**Notice to be
given to suits**

48. (1) No suit shall be instituted against the Authority or any Member thereof or any of its officers or other employees or any person acting under the directions of the Authority or any Member or any officer or other employee of the Authority in respect of any act in purporting to have been done in pursuance of this Act or any rule or regulation made thereunder till the expiration of two months from the date on which notice in writing has been in the case of the Authority, left at the office or place of abode, of the person to be and unless such notice states explicitly the cause of act, the nature of, relief sought, the amount of compensation claimed and the name and place of residence of the intending plaintiff and unless the plaint contains a statement that such notice has been so left or delivered.
- (2) No suit such as is described in sub-section (1) shall unless it is a suit for recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.
- (3) Nothing contained in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by giving of the notice or the postponements of the instituted suits.

**State
Government to
make rules**

49. (1) The State Government may, by notification, make rules in consultation with the Authority, to carry out the purposes of this Act.
- (2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:-
- (a) the appointment, removal, salaries, allowances, terms, and conditions of service of the Members of the Authority nominated;
 - (b) the form and content of the Comprehensive Mobility Plans provided under section 10 of this Act and the procedure to be followed in connection therewith and with the preparation, submission and approval of such plans and the form, and the manner of publication of the notice relating to such plan;
 - (c) the form and manner in which notices given under this Act shall be published;

- (d) the procedure to be followed for borrowing money by way of loans or debenture and their repayment;
 - (e) the form of the budget of the Authority and the manner of preparing the same;
 - (f) the form of the balance-sheet and statement of accounts;
 - (g) the form of the annual report and the date on or before which it shall be submitted to the State Government;
 - (h) the manner of constitution of the pension funds and provident funds for Members and officers and other employees of the Authority and the conditions subject to which such funds may be constituted;
 - (i) other matters which are, or may be, required to be prescribed under this Act.
- (3) The rules framed under this Act shall be laid down before the State Legislative Assembly within a period of twelve months for the information.

Power to make Regulations

50. The Authority may make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act, and without prejudice to the generality of the foregoing power, such regulations may be provided for:-
- (a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings, the selection of the senior most Member among Members to preside the meetings of Authority in absence of Chairperson and number of Members necessary to form a quorum thereat;
 - (b) the summoning and holding of meetings of the Executive Committees constituted under section 12, the time and place where such meetings are to be held, the number of Members necessary to form a quorum thereat and the fees and allowances payable to the Members for attending the meetings or any other work of the Authority;
 - (c) the organizational structure and the creation of posts in the Authority;
 - (d) the powers and duties of the employees and officers of the Authority;

- (e) the salaries, allowances, gratuities and conditions of service of the officers and employees of the Authority and disciplinary matters relating to them;
- (f) the procedure for carrying out the functions of the Authority under this Act including the preparation of the Comprehensive Mobility Plan;
- (g) the manner of communicating the grounds of refusal of permission for development;
- (h) the limit up to which the Chairperson, the CEO, or any other officer of the Authority shall be competent to incur recurring and non-recurring expenditure in any financial year;
- (i) the management of the properties of the Authority;
- (j) the appointment of committees and the remuneration/compensation to be paid if any;
- (k) the manner and purpose for appointment of consultants and temporary by the Authority;
- (l) the control and restrictions in appointment of officers and other employees, and powers and duties of such officers and other employees;
- (m) functioning of the committee(s);
- (n) the procedure to be followed by the Authority for granting loans and its repayment;
- (o) the delegation of powers to the Chairperson or to any other officer of the Authority;
- (p) the maintenance of accounts and the preparation of financial statements by the Authority;
- (q) Other matters, which are, or may be prescribed under this Act.

Power of State Government to issue directions

51. (1) Without prejudice to the foregoing provisions of this Act, the Authority shall, in exercise of its powers or performing of its functions under this Act, be bound by such directions as the State Government may give in writing to it from time to time.
- (2) The decision of the State Government under subsection (1) above shall be final.
- (3) In the event that there is any dispute between the Authority and the other authorities, local bodies, body corporate, department or other agencies of the State Government, the matter shall be resolved at the State Government level and the decision of the State Government shall be final and binding on the parties involved in such dispute.

**Removal of
difficulties**

52. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, not inconsistent with the provisions of this Act, remove the difficulty within a period of five years from the date of notification under sub-section (2) of section 1 of this Act.

SCHEDULE

URBAN TRANSPORT

Urban Transport consists of modes of transport ranging from walking, cycling to bus, metro and regional rail systems, intelligent transport systems of all kinds and roadways, private vehicles in the Urban Mobility Area including various types of collective and individual transport which fall into the following functional categories, namely:-

1. (1) **Public Transportation:** It shall include systems that are available for use by all persons who pay the established fare. These modes shall operate on fixed routes and with fixed schedule within the Urban Mobility Area, which shall include:-
 - (a) Bus systems;
 - (b) Tramway;
 - (c) Metro Railway;
 - (d) Monorail;
 - (e) Cable car;
 - (f) Bus Rapid Transit System (BRTS);
 - (g) Light Rail Transit (LRT);
 - (h) Regional Railways; or
 - (i) Ropeways;
 - (j) Any other mode irrespective of its fuel and propulsion type which meets the requirements of above definition.
- (2) **Para Transit:** It shall include systems provided by operators within the Urban Mobility Area and available to person which hire them for individual and multiple trips and/or do not operate on a fixed schedule with fixed stops, such as: -
 - (a) Autos/ shared autos/ vans/tempos;
 - (b) Taxi cabs, hire a cab; or
 - (c) Any other mode irrespective of its fuel and propulsion type which meet the requirements of above definition.
- (3) **Non-Motorised Transport (NMT):** NMT modes include walking, bicycle, cycle rickshaw, e-rickshaw and other green

modes of transport that do not consume energy or cause pollution.

- (4) **Urban Freight:** The movement of freight vehicles whose primary purpose is to carry goods/ freight into, out of and within the Urban Mobility Area.
- (5) **Intelligent Transport Systems (ITS):** Intelligent Transportation Systems (ITS) are those utilizing technologies and systems engineering concepts to develop and improve transportation systems of all kinds. These include, but are not limited to the following: -
 - (a) Passenger Information System (PIS);
 - (b) Traffic management and control;
 - (c) Public Transport prioritization;
 - (d) Electronic Fare collection;
 - (e) Electronic road pricing;
 - (f) Public Transport Operations Management; dispatching, scheduling, supervision;
 - (g) Safety and Security;
 - (h) Traffic Surveillance;
 - (i) Public Transport Ticketing;
 - (j) Internet/web-based application;
 - (k) Helpline system.
- (6) Parking facilities, enforcement, operations, and management systems.
- (7) Urban roads.
- (8) Footpaths, pedestrian subways, foot over bridges.
- (9) Safety elements.
- (10) Any other mode or means of transport that the State Government may notify time to time.

STATEMENT OF OBJECTS AND REASONS

The National Urban Transport Policy (NUTP), 2006, envisages the formation of Unified Metropolitan Transport Authority (UMTA) to facilitate integrated planning for urban transport and traffic systems and effective coordination among the different Government Agencies/Stakeholders. The Metro Rail Policy, 2017 provides for an integrated approach in planning in management of urban transport wherein the state Government are required to constitute Unified Metropolitan Transport Authority (UMTA) as a statutory body which shall be responsible for preparation of comprehensive mobility plan of the city, organised investments in urban transport infrastructures, established effective coordination among various transport agencies, manage the urban transport fund etc.

For Assam, it is decided to form “Assam Unified Metropolitan Transport Authority (UMTA)” for unified development, integrated planning and mobility solutions in a regulatory manner for the transport sector in the jurisdictional area of Assam.

As per guidelines of Ministry of Housing and Urban Affairs, Govt. of India Metro Rail Policy, 2017 formation of UMTA is a mandatory feature for States to avail Central Assistance for MRTS/BRTS and other transport projects for availing central assistance to states for metro project/Projects the UMTA bill shall be enacted to form UMTA. The Metro Rail Policy, 2017 also provides for formation of UMTA as a mandatory feature for States to avail Central Assistance for MRTS/BRTS and other transport projects.

The UMTA for Assam is proposed to be created as a statutory authority through a new dedicated legislation called “Assam Unified Metropolitan Transport Authority (UMTA) Bill, 2022.”

ASHOK SINGHAL,

Minister,

Department of Housing and Urban Affairs,
Assam, Dispur.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

MEMORANDUM OF DELEGATED LEGISLATION

The proposed Bill will not create any delegated legislation.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

THE GUWAHATI MUNICIPAL CORPORATION (AMENDMENT) BILL, 2022

A

BILL

further to amend the Guwahati Municipal Corporation Act, 1969.

Preamble

Whereas it is expedient further to amend the Guwahati Municipal Corporation Act, 1969, hereinafter referred to as the principal Act, in the manner hereinafter appearing ;

**Assam Act
No. 1 of
1973**

It is hereby enacted in the Seventy-third Year of the Republic of India as follows :-

Short title,
extent and
commencement

1. (1) This Act may be called the Guwahati Municipal Corporation (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of
section 148

2. In the principal Act, in section 148, after clause (c), the following new clause shall be inserted, namely:-

“(d) Buildings and Lands occupied and used by Ex-Servicemen and their widows.

Explanation:

For the purpose of this section “Ex-Serviceman” means any person who has served in any rank (whether as a combatant or not) in the Armed Forces of the Union and has been released therefrom otherwise than by way of dismissal or discharge on account of misconduct or inefficiency.”.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Guwahati Municipal Corporation Act, 1969 (Assam Act No..I of 1973)

It is proposed to bring an amendment to a section of the “Guwahati Municipal Corporation Act, 1969”. In the principal Act, in section 148, after clause (c), the following new clause shall be inserted, namely

“(d) Buildings and Lands occupied and used by Ex-Servicemen and their widows”.

The exemption from property tax to the Ex-Servicemen and their widows will be a welfare gesture and a kind of gratitude to the Ex-Servicemen and also an honour to the services they render to the nation.

Hence the Bill for the following amendment of section of the Act :-

Section 148

ASHOK SINGHAL,

Minister,

Department of Housing and Urban Affairs,
Assam, Dispur.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

equivalent to the property tax of a corresponding holding on the settled land and levying of such service charges on the occupants will not confer any right over the land to the occupant and any authority shall have full right to evict the occupants as per rules and procedure.]

148. Exemption from general property tax.—The Corporation may exempt the following properties from payment of property taxes,—

- (a) buildings and lands vesting in the Central Government without the prior approval of the Central Government except where the provision of clause (2) of Article 285 of the Constitution of India apply;
- (b) buildings and lands occupied and used for public worship or for charitable purposes, so declared by the Corporation;
- (c) buildings and lands the rental value of which does not exceed twenty rupees per month, provided that :
 - (i) the building is occupied by the owner; and
 - (ii) the owner does not possess any other building or land the rent whereof exceeds twenty rupees per month in the aggregate.

COMMENT

Exemption from general property tax.—It has been held that a choultry used exclusively for charitable purpose will come within the exemptions. [*Municipal Council, Tirupathi v. Tirumalal Tirupathi*, AIR 1994 SC 521.]

149. (1) Water tax and scavenging tax.—Save as otherwise provided in this Act the water tax shall be levied only in respect of lands and buildings,—

- (a) to which water supply is made or which are connected by means of pipes from municipal water-works; or
- (b) which are situated in any portion of the city in which the Commissioner has given public notice that sufficient water is available from municipal water works a reasonable supply to all the lands and buildings in the said portion.

(2) Save as otherwise provided in this Act, the scavenging tax shall be levied only in respect of lands and buildings,—

- (a) in which there is a latrine, urinal, cesspool, bathing place or cooking place connected with a municipal drain; or
- (b) which are situated in any portion of the city which the Commissioner has given public notice that the collection, removal and disposal of all filth and polluted and obnoxious matter from latrines, urinal and cesspools will be undertaken by municipal agency.

(3) The Corporation may allow a rebate upto 33 per cent of the scavenging tax on holdings having sanitary latrines.

150. Determination of rateable value of lands and buildings assessable to property taxes.—(1) The rateable value of any land or building assessable

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

THE GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY (AMENDMENT) BILL, 2022

A BILL

further to amend the Guwahati Metropolitan Development Authority Act, 1985.

Preamble

Whereas it is expedient further to amend the Guwahati Metropolitan Development Authority Act, 1985, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

**Assam
Act No.
XX of
1987**

It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-

Short title extent and commencement

1. (1) This Act may be called the Guwahati Metropolitan Development Authority (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of section 5

2. In the principal Act, in section 5, in sub-section(1),
 - (i) in clause (c), for the existing proviso the following shall be substituted, namely:-

“Provided that an officer not below the rank of Commissioner and Secretary or Secretary to the Housing and Urban Affairs Department of the State Government as ex-officio Vice-Chairman of Guwahati Metropolitan Development Authority to run the administration of the Authority”.

- (ii) for clause (e), the following shall be substituted namely:-

“(e) The Commissioner and Secretary or Secretary to the Government of Assam, Housing and Urban Affairs Department (Ex-Officio)”.

- (iii) for clause (i), the following shall be substituted namely:-

“(i) The Deputy Commissioner, Kamrup (Metro) and Deputy Commissioner Kamrup (Kamrup Rural)”.

- (iv) for clause (m), the following shall be substituted namely:-

“(m) Town Planner not below the rank of Deputy Director, Town and Country Planning of the State Government.”.

Amendment of
section 18

3. In the principal Act, in section 18, in sub-section (1),

(i) for clause (a), the following shall be substituted namely:-

“(a) A general land use plan for residential, commercial, industrial, public and semi public, transportation, recreation and open space, green belt, mixed use purpose zones and any other specific purpose zone that the study of Master Plan recommend for the study area”.

(ii) after clause (f), the following new clauses (g) and (h) shall be inserted namely:-

“(g) the concept of mixed Land Use, provision of Transit Oriented Development (TOD) and Transferable Development Rights (TDR) for developing the land use plan ;

(h) the land suitability analysis and detail study on all Disaster Management issues.”

Insertion of new
section

4. In the principal Act, after section 35, the following new sections 35A and 35B shall be inserted, namely:-

**“Appointment
of Development
Scheme Officer**

35A. Within one month from the date of notification of a development area under section 35, Guwahati Metropolitan Development Authority or State Government as the case may be shall appoint an Officer of Guwahati Metropolitan Development Authority or State Government for the purpose of such scheme and provide him with such number of officers and staff as may be considered necessary.

**Duties of
Development
Scheme Officer**

35B. Within a period of twelve months from the date of his appointment, the Development Scheme Officer shall, after following the procedure, as may be prescribed, prepare the final development scheme:

Provided that Guwahati Metropolitan Development Authority or the State Government may, from time to time, by order in writing, extend the said period for further such period [which shall not exceed six months] as may be specified in the order.”.

Amendment of
section 36

5. In the principal Act, in section 36, in sub-section (2), for clause (f) and clause (g) the following shall be substituted respectively, namely:-

(i) “(f) allotment of land from the total area covered under the scheme, to the extent of :-

(i) fifteen percent for roads;

(ii) five percent for parks, playgrounds, gardens and open space;

(iii) five percent for social infrastructure such as school, dispensary, fire service, public utility place as earmarked in the development scheme;

(iv) fifteen percent for sale by appropriate authority for residential, commercial or industrial use depending upon the nature of development:

Provided that the percentage of the allotment of land specified in sub-clauses (i) to (iii) above may be altered depending upon the nature of development and for the reasons to be recorded in writing.

(g) the reservation of land to the extent of ten percent, or such percentage as near thereto as possible of the total area covered under the scheme, for the purpose of providing housing accommodation to the members of socially and economically backward classes of people.”.

(ii) after sub-section (o), the following explanation shall be inserted, namely:-

“Explanation:

(i) Development Scheme, for the purpose of this Act, shall also mean Town Planning Schemes (TPS) for the purpose of implementation of planned urban expansion in relatively open area in the outskirts of the city area.

Amendment of
section 39

6. In the principal Act, in section 39, in sub-section (1), in first line, for the words, “as soon as may be” the words “within nine months,” shall be substituted .

Insertion of a new section 40 A 7. In the principal Act, after section 40, the following new section 40A shall be inserted namely:-

**“Preparation
of Final
Development
Scheme**

40A. (1) In a Final Development Scheme, the Development Scheme Officer shall, -

- (i) give notice in the form and manner as may be prescribed to the persons to be affected by the scheme and define and demarcate the areas allotted to, or reserved for, any public purpose, or for the purpose of the Authority and in accordance with the Development Scheme;
- (ii) after giving notice as aforesaid, determine in a case in which a final plot is to be allotted to persons in ownership, in common, the shares of such persons;
- (iii) arrange or provide for the total or partial transfer of any right from the original plot to a final plot;
- (iv) estimate the portion of the sums payable as compensation on each plot used, allotted or reserved for a public purpose or for the purpose of the Authority which is beneficial partly to the owners or residents within the area of the Scheme and partly to the general public, which shall be included in the costs of the Scheme;
- (v) fix the difference between the total values of the original plots and final plot and ascertain the total the values of the plots included in the Scheme in accordance with the provisions of section 66A;
- (vi) calculate the contribution to be levied under section 67, on each plot used, allotted or reserved for a public purpose or for the purpose of the Authority which is beneficial partly to the owners or residents within the area of the Scheme and partly to the general public and also calculate the contribution to be levied on each plot included in the Final Scheme;
- (vii) calculate the proportion of the contribution to be levied on each plot in the Final Scheme to the increment estimated to accrue in respect of such plot under section 67.

- (viii) estimate the increment to accrue in respect of each plot included in the Scheme in accordance with the provisions of section 66 B of this Act.
- (ix) determine the amount of exemption, if any, from the payment of contribution that may be granted in respect of plots exclusively occupied for religious or charitable purposes.
- (x) estimate with reference to claims made before him, after notice has been served by him in the manner and form, as may be prescribed, the compensation to be paid to the owner of any property or right injuriously effected for making of the Final Development Scheme.
- (xi) draw such a form as may be prescribed the Final Scheme and publish the same in the Official Gazette.”.

Amendment in
section 47

8. In the principal Act, in section 47, in sub-section (5), after explanation (ii), the following new Explanation shall be inserted namely:-

“Explanation (iii): The compensation and payment of interest, shall only be applicable for Development Scheme executed after acquiring land as per provision of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.”

**Central
Act No. 30
of 2013**

Insertion of a new
section 50 A

9. In the principal Act, after section 50, the following new section 50A shall be inserted namely:-

**“Special
Provision for
Local Area
Plan**

- 50A. (1) Declaration of development areas and preparation of Local Area Plan,-

- (a) Subject to the provisions of this Act or any other law for the time being in force, the Authority or the State Government may for the purpose of planning and for implementing the proposals contained in the Master Plan, by notification in the Official Gazette, declare any area in the Guwahati Metropolitan Area to be ‘Developed Area’ for the purpose of this Act and shall thereafter prepare one or more Local Area Plan (LAP) for the development of that area.
- (b) Notwithstanding anything contained in sub-section (1) above, the Authority or the State Government may after making such enquiry as they may deem necessary, by notification in the Official Gazette,

declare any area along with its boundary in the local newspaper, in the Guwahati Metropolitan Area to be a local Developed Plan Area and shall thereafter, direct the Authority, or any Officer of the State Government or any local authority to prepare and submit, a Local Area Plan under this section for the area specified in such notification for their sanction before an appointed date:

Provided that, while preparing the Local Area Plan as directed by the State Government, the Officer of the State Government or the Authority, as the case may be, shall prepare such Local Area Plan in consultation with the concerned Authority:

Provided further that the State Government or the Authority may, prepare a Local Area Plan in consultation with such other experts of consultancy, if the State Government or the Authority, as the case may be, deem it necessary.

- (c) While preparing the Local Area Plan, the Authority, any officer of the State Government or the local authority, as the case may be, shall issue a notice inviting the names of all the claimants of any interest on any land or building within the area under the Local Area Plan, to be submitted within a period of not more than two months from the date of publication of the notice in the daily newspaper.

(2) Scope of the Local Area Plan,-

- (a) The preservation and protection of objects of historical importance of natural beauty and of building actually used for religious purpose;
- (b) Regulating the use and development of land and discontinuation of objectionable use within the area;
- (c) Define and provide for the complete road and street network for the present and in the future and indicate the traffic circulation;
- (d) Lay down in detail the present and the future road, right of way including pedestrian path, vending areas, street furniture, on-street parking areas, trees, landscape features, lighting, and infrastructure provisions;
- (e) Make provision for the present and future requirements of amenities, services and utilities such as transport, electricity, water, drainage, firefighting, solid waste;

- (f) Visualize the built form and prescribe in detail the setbacks, built to line, arcade, permissible height, building envelope, active frontage, frontage with no vehicular entry, parking, commercial and other signage and such other requirement to integrate the building envelope in the vicinity;
- (g) Total permissible built-up area or height permissible after payment of charges at the rate decided by the authority;
- (h) Incentivise development, redevelopment, subdivision, or amalgamation of plots by providing additional development rights, height, transferable development rights;
- (i) Indicate the phasing of the program of development and the cost of development and the share to be paid by each owner or the beneficiary;
- (j) Assess the cost of works to be provided by the appropriate authority and the contribution of fees to be paid by different owners;
- (k) Indicate in the plan and other document, the land which shall vest with the Authority or the State Government;
- (l) The construction, alteration or removal of buildings, bridges or other structures;
- (m) Acquisition of any plot or property necessary for execution of the Local Area Plan by purchase, exchange, grant of Development rights or transferable development rights;
- (n) Such other matters not inconsistent with the objects of this Act, as may be directed by the State Government;
- (o) The suspension, to the extent necessary for the proper carrying out of the Local Area Plan, of any rule, bye-law, regulations, notification or order made or issued under any Act of the State Government.

“Explanation: Development Scheme, for the purpose of this Act, shall also means Local Area based Plans, a framework for enhancing the public spaces, and areas under roads by enabling redevelopment of already developed areas in the existing built-up environment.”

(3) Contents of the Local Area Plan:

The Local Area Plan shall contain, the following particulars, namely:-

- (a) The area, ownership and tenure of all existing plots within the area covered by the Local Area Plan (Preparation of Base Map);
- (b) Proposed Road Network and Green and Open spaces;
- (c) The extent to which it is proposed to alter the boundaries of the existing plots in accordance with the proposed Local Area Plan;
- (d) The Permissible Uses on all plots within the area covered by the local area plan;
- (e) A full description of all the details under the clause of sub-section (2) above as may be necessary;
- (f) An estimate of the total cost of the Local Area Plan and the net cost to be borne by the Authority;
- (g) A Form containing the following details,-
 - (i) the land area for existing plot and revised plot and land area to be appropriated in the public domain;
 - (ii) built-up area on the existing plot, revised plot and land area to be appropriated in the public domain;
 - (iii) built-up area to be transferred on the revised plot and/or on another plot through Transferable Development Rights.
- (h) or any other particulars which may be prescribed.

(4) Publication of the Draft Local Area Plan for suggestion and objections of public :-

- (a) Within twelve months from the date of notification of Local Area Plan as per provision of clause (a) of sub-section (1) above, the draft Local Area Plan shall be prepared by the Guwahati Metropolitan Development

Authority, or the officer of the State Government and shall publish the draft Local Area Plan in the Official Gazette and in two local newspapers specifying the place or places where copies of the same may be inspected by public, inviting objections and suggestions in writing from any persons or claimants as referred to in clause (3) of sub-section (1) above, in respect of the draft Local Area Plan within such period as specified in the notice, which shall not be less than two months from the date of publication of the said notice:

Provided that where it is expedient to do so, for the proper carrying out of the Local Area Plan, as referred to in clause (o) of sub-section (2) above, the Guwahati Metropolitan Development Authority, the Officer of the State Government or the Authority, as the case may be, simultaneously with the publication of the Local Area Plan, shall submit copies of the notice and of the Local Area Plan to the State Government drawing particular attention to the provision in the Local Area Plan referring to clause (o) of sub-section (2) above:

Provided further that no such notice shall be required where land covered by the Local Area Plan has already been acquired and the execution of the local area plan does not affect the interest of any person.

- (b) After the expiry of the aforesaid period, the Authority, the officer of the State Government or the Local Authority, as the case may be, shall examine the Local Area Plan in the light of such objection, giving sufficient opportunity for hearing to all such interested persons who have filed objections and demanded a hearing in the manner as may be prescribed, and shall approve or refuse to approve or approve with such modifications as it may deem necessary, for the implementation of the Local Area Plan and for imposing for that purpose reasonable restrictions in the use of land and building within the area.
- (c) After adoption of Local Area Plan the Authority, the officer of the State Government shall forward it to the State Government for its approval and sanction. The process of adoption of the Local Area Plan including Government

approval or sanction, as the case may be, shall be completed within a period not exceeding one year from the date of expiry of the period of two months referred to in clause (c) of subsection (1) above.

(5) Implementation of the Local Area Plan:-

- (i) The Local Area Plan shall come into force from the date as may be fixed by the State Government by notification in the Official Gazette after giving approval or sanction to the Local Area Plan. It shall be implemented by the Authority itself or by such other authority as may be authorized by the State Government in that behalf.
- (ii) No person or body (including a department of Government and any local authority) shall, within any area where a Local Area Plan has come into force, erect or proceed with any building or work or remove and alter or make any substantial repair to a building or a part of it, a compound wall or any drainage work or may remove any earth or change the use of any land or building except on permission of the Authority on application submitted for the purpose. Unless the permission has been refused within one month from the date of receipt of the application it shall be presumed that the permission has been given.

(6) Finance of the Local Area Plan:-

The costs of a Local Area Plan shall include-

- (a) all sums payable by the Authority under the provisions of this Act, which are not specifically excluded from the costs of the Local Area Plan;
- (b) all sums spent or estimated to be spent by the Authority in the making and execution of the local area plan including sum to be spent for improvement of existing infrastructure, amenities, landscape and streetscape and provision of new infrastructure and amenities, sums to be spent for acquiring land or property if any;

- (c) all legal expenses incurred by the Authority in making and in execution of the Local Area Plan;
- (d) all the revenue estimated for the Authority through Development fees, Purchasable Floor Area Ratio (FAR) and other charges.”

Insertion of new
section 66 A and
66 B

10. In the principal Act, after section 66, the following new sections 66A and 66 B shall be inserted, namely:-

**“Cost of
Scheme**

66A. The costs of a town planning scheme shall include,:-

- (a) all sums payable by the Authority under the provisions of this Act, which are not specifically excluded from the costs of the scheme;
- (b) all sums spent or estimated to be spent by the Authority in making and execution of the scheme;
- (c) all sums payable as compensation for land reserved or designated for any public purpose or for the purposes of the Authority which is solely beneficial to the owners of land or residents within the area of the scheme;
- (d) such portion of the sums payable as compensation for land reserved or designated for any public purpose or for the purpose of the Authority which is beneficial partly to the owners of land or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the owners of land or residents within the area of the scheme from such reservation or designation;
- (e) all legal expenses incurred by of the Authority in the making and in the execution of the scheme;
- (f) any amount by which the total amount of the values of the original plots exceeds the total amount of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme, with all the buildings and works thereon at the said date and without reference to improvements contemplated in the scheme other than improvements due to alteration of its boundaries.

**Calculation of
Increment**

66B. For the purpose of this Act, the increments shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of the plot

included in the final scheme estimated on the assumption that the scheme has been completed shall exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:

Provided that in estimating such value, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration."

Amendment of
section 67

11. In the principal Act, for section 67, the following shall be substituted, namely:-

**"Contribution
towards cost of
the scheme**

67. (1) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the Guwahati Metropolitan Development Authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Development Scheme Officer (DSO) appointed under section 35B of the Act:

Provided that,

- (a) where the cost of the scheme does not exceed half the increment, the cost shall be met wholly by a contribution, and
 - (b) where it exceeds half the increment, to the extent of half the increment it shall be met by a contribution and the excess shall be borne by the Authority;
 - (c) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or for the purpose of the appropriate authority which is solely beneficial to the owners of land or residents within the area of the scheme.
- (2) The owner of each plot included in the final scheme shall be primarily liable for the payment of the contribution liveable in respect of such plot."

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend section the Guwahati Metropolitan Development Authority Act, 1985

It is proposed to bring the amendments in the GMDA Act, 1985 primarily to facilitate the implementation of Local Area Plan (LAP) and Town Planning Scheme (TPS) within Guwahati Metropolitan Area (GMA) to meet the requirement of timeframe for implementation of reforms set by Govt. of India for availing special financial assistance. Approval of the Bill for amendment of the Guwahati Metropolitan Development Authority (GMDA) Act, 1985 is sought to make provisions for the following:

- a. The proposed Amendment shall primarily widen the scope and content of Master Plan for Guwahati Metropolitan Area to introduce new land use zones and to meet the reforms agenda like Transfer of Development Rights (TDR), Transit Oriental Development (TOD), which are part of reforms agenda as per guidelines of Ministry of Housing and Urban Affairs, Govt. of India for availing special assistance to states for Capital Projects, 2022-23.
- b. Further, the proposed amendments shall also facilitate formulation and implementation through Development Scheme in the form of Local Area Plan (LAP) and Town Planning Scheme (TPS) by incorporating the provisions of detail contents, procedural guidelines and a fixed time frame for planning and preparation of this scheme.

A Local Area Plan (LAP) is a Planning tool for redevelopment of an existing developed area by enhancing the quality of development by reorganizing the public space, open space, formulating a form based building code etc.

The main objective of the Town Planning Scheme (TPS) is to enable the transformation of unplanned, undeveloped land in the Urban periphery into well laid out, planned development for Urban uses.

- c. Further, designation of some members of the Authority viz. Vice Chairman, Commissioner / Secretary, Deputy Commissioner and Town Planner are proposed for changed due to merger of GDD and UDD as Department of Housing & Urban Affairs (DoHUA) and bifurcation of erstwhile Kamrup District. Hence re-designated.

Hence, the Bill for amendment of following sections of the Act :-

Section 5

Section 18

Section 36

Section 39

Section 47

Section 67

Insertion of following new sections:-

Section 35A

Section 35B

Section 40A

Section 50A

Section 66A

Section 66B

ASHOK SINGHAL,

Minister,

Department of Housing and Urban Affairs,
Assam, Dispur.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

**Extract of the existing section of "The Guwahati Metropolitan
Development Authority Act, 1985"**

(Assam Act XX of 1987)

Preamble	Whereas it is expedient to provide for the establishment of an Authority for the enforcement and execution of the Master Plan and for the formulation and execution of schemes for the planned development of Guwahati Metropolitan Area, for the co-ordination and supervision of the execution of such plans and schemes with the object of securing proper living and sanitary conditions, to conserve and promote the public health, safety and general welfare of the people living therein and for matters connected therewith or incidental thereto. It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows :
Short title extent and commencement	<p>1. (1) This Act may be called the Guwahati Metropolitan Development Authority Act, 1985.</p> <p>(2) It shall extend to the whole of Guwahati Metropolitan Area excluding any area to which the provisions of the Cantonments Act, 1924 apply.</p> <p>(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.</p>
Section 5	<p>(1) The Guwahati Metropolitan Development Authority shall consist of the following members, namely :</p> <p>(c) One member to be appointed by the State Government as Vice-Chairman :</p> <p>[Provided that the State Government may, appoint the Secretary to the Guwahati Development Department of the State Government as ex-officio Vice-Chairman of the Guwahati Metropolitan Development Authority to run the administration of the authority;]</p> <p>(e) Commissioner / Secretary to the Government of Assam, Guwahati Development Department (Ex-Officio).</p> <p>(i) The Deputy Commissioner, Kamrup District Ex-officio.</p> <p>(m) Town Planner of the Authority, not below the rank of Associate Planner of the State Government to be appointed by the State Government</p>
Section 18	<p>(1) The Master Plan to be prepared as defined in Section 18, may include: —</p> <p>(a) a general land use plan for residential, commercial, industrial, recreational and public and semi-public purposes;</p>

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

THE GUWAHATI BUILDING CONSTRUCTION (REGULATION) (AMENDMENT) BILL, 2022

A BILL

further to amend the Guwahati Building Construction (Regulation) Act, 2010.

Preamble

Whereas it is expedient to amend the Guwahati Building Construction (Regulation) Act, 2010, hereinafter referred to as the principal Act, in the manner herein after appearing;

Act No XVI
of 2010

It is hereby enacted in the Seventy-third Year of the Republic of India as follows :-

Short title, extent and commencement

1. (1) This Act may be called the Guwahati Building Construction (Regulation) (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act,
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Amendment of title

2. In the principal Act, in the title, for the word "Guwahati" appearing in between the word "the" and "Building", the word "Assam" shall be substituted.

Amendment of long title

3. In the principal Act, in the long title, for the words "Guwahati Metropolitan Area" appearing at the end, the words "State of Assam" shall be substituted.

Amendment of Preamble

4. In the principal Act, in the Preamble, in second line, for the words "Guwahati Metropolitan Area" appearing in between the words "within the" and "by" the words "State of Assam" shall be substituted.

Amendment of section 1

5. In the principal Act, in section 1,-
 - (i) in sub-section (1), for the words "Guwahati" appearing in between the words "called the" and "building", the word "Assam" shall be substituted.
 - (ii) for subsection (2), the following shall be substituted, namely,-
"It extends to the whole of the State of Assam."
 - (iii) in sub-section (3), in second line, after the words "appoint", the following shall be inserted, namely,-
"and different dates may be notified for different areas for giving effect to the provisions of this Act".

Amendment of section 2 6 In the principal Act, in section 2,-

(i) for clause (4), the following shall be substituted namely:-

“(4) “Authority” means the Guwahati Metropolitan Development Authority constituted under Guwahati Metropolitan Development Authority Act, 1985, Guwahati Municipal Corporation constituted under Guwahati Municipal Corporation Act, 1969, Municipal Corporations constituted under Assam Municipal Corporation Act 2022, Municipal Boards under Assam Municipal Act 1956 and Development Authorities constituted under The Assam Town and Country Planning Act, 1959 and other local bodies or Panchayats falling under the notified Master Plan areas of respective towns, as the case may be.”

Act No. XX
of 1987
Act No. I
of 1973

Act No. VIII
of 2022
Act No. XV
of 1956
Act No. II
of 1960

(ii) for clause (11), the following shall be substituted namely:-

“(11) “building permit” means permission accorded by the Guwahati Municipal Corporation and other Municipal Corporations of the State or other urban local bodies or Panchayats falling within notified Master Plan areas relating to all issues of construction of building as per provisions of the Master Plan and Zoning Regulations prepared and published under the Guwahati Metropolitan Development Authority Act, 1985 and the Assam Town and Country Planning Act, 1959 and under the Building Byelaws prepared under this Act;”

Act No. XX
of 1987
Act No. II
of 1960

(iii) for clause (29), the following shall be substituted namely:-

“(29) “Planning Permit” means the permission accorded by the Guwahati Metropolitan Development Authority as per the provisions of Master Plan and Zoning Regulations published by the Authority from time to time under the Guwahati Metropolitan Development Authority Act, 1985 and permissions accorded by other Development Authorities as per the provisions of Master Plan and Zoning Regulations published by the Director, Town and Country Planning, Assam under the provisions of the Assam Town and Country Planning Act, 1959 as per the provisions of notified Master Plan and Zoning Regulation;”

Act No. XX
of
1987

Act No. II of
1960

(iv) after clause (43), the following new clauses (45), (46), (47) and (48) shall be inserted, and thereafter the existing clause (43) shall be renumbered as clause (49), namely:-

“(45) “Development Authority” means a Development Authority constituted under the Assam Town and Country Planning Act, 1959; Act No. II of 1960

(46) “Municipal Board” means a Municipal Board constituted under the Assam Municipal Act, 1956.” Act No. XV of 1957
 “Municipal Corporation” means Municipal Corporations constituted under Assam Municipal Corporation Act, 2022; Act No. VIII of 2022

(47) “Notified Master Plan areas” means areas notified as such under the Guwahati Metropolitan Development Authority Act, 1985 and the Assam Town and Country Planning Act, 1959 ; Act No. XX of 1987
 Act No. II of 1960

(48) “Gaon Panchayat” means a Gaon Panchayat established under the Assam Panchayat Act, 1994 which falls under Notified Master Plan Areas prepared under Guwahati Metropolitan Development Authority Act, 1985 and the Assam Town and Country Planning Act, 1959 .” Act No. XVIII of 1994
 Act No. XX of 1987
 Act No. II of 1960

Amendment of section 3 7. In the principal Act, in section 3, in the third line, in between the words “Municipal Corporation,” and “respectively” the following shall be inserted, namely:-

“ Development Authorities constituted under the Assam Town and Country Planning Act, 1959, other Municipal Corporations constituted under the Assam Municipal Corporation Act, 2022, and Municipal Boards under the Assam Municipality Act, 1956, and other local bodies or panchayats falling within the notified areas of Master Plan as per provisions of the Assam Town and Country Planning Act, 1959.” Act No. II of 1960
 Act No. VIII of 2022
 Act No. XV of 1957
 Act No. II of 1960

Amendment of section 4 8. In the principal Act, in section 4, for sub-section (1), the following shall be substituted, namely:-

“(1) Notwithstanding anything to the contrary contained in the Guwahati Metropolitan Development Authority Act, 1985, the Guwahati Municipal Corporation Act, 1969, the Assam Municipal Corporation Act, 2022, the Assam Town and Country Planning Act, 1959, and the Assam Panchayat Act, 1994, the State Government shall frame the building byelaws to regulate the construction of buildings for the State of Assam” under this Act. Act No. XX of 1987
 Act No. I of 1973
 Act No. VIII of 2022
 Act No. II of 1960
 Act No. XVIII of 1994

Amendment of 9. (1) In the principal Act, in section 5,
section 5

- (i) for sub-section (1), the following shall be substituted, namely :-

“(1) Every person who intends to erect or re-erect or make material alteration in any place, in a building or part thereof, within the State of Assam, shall give an application in the form as may be prescribed for this purpose under this act addressing to the Chief Executive Officer, Guwahati Metropolitan Development Authority in respect of Guwahati Metropolitan Area and to Chairman in respect of Development Authority constituted under the Assam Town and Country Planning Act, 1959 for other development authority areas, having legally valid Master Plan. Such application shall be accompanied by the building plans conforming to the requirements mentioned in the building byelaws framed under this Act in quadruplicate in blue or white prints or computer generated prints.”

Act No. II of
1960

- (ii) for sub-section (2), the following shall be substituted namely:-

“(2) The form as may be prescribed under sub-section (1) shall be of two parts being the "Part-I" for Planning Permit and Part-II for "Building Permit". The Planning Permit shall be issued by the Guwahati Metropolitan Development Authority and Building Permit shall be issued by the Guwahati Municipal Corporation, or other Urban Local Bodies or Panchayats, as the case may be in respective areas, within the Guwahati Metropolitan Area. In case of other areas Planning Permit shall be issued by respective Development Authority constituted under Assam Town and Country Planning Act, 1959 and Building Permits shall be issued by Municipal Corporation under Assam Municipal Corporation Act, 2022, Municipal Boards constituted under the Assam Municipal Act, 1956 and Gaon Panchayats falling under Notified Master Plan Areas as the case may be within the state”.

Act No. II of
1960

Act No. VIII
of 2022
Act No. XV
of 1957

- (iii) for sub-section (3), the following shall be substituted namely:-

“(3) At first, the applicant shall file application form to the Guwahati Metropolitan Development Authority

or other Development Authorities, with requisite processing fee for obtaining Planning Permit. The officials of Guwahati Metropolitan Development Authority or other Development Authorities shall verify and examine the application promptly with regard to the Planning and Zoning Regulations and forward the Planning Permit with such modifications as may be required, to the Guwahati Municipal Corporation or other concerned Municipal Corporation or Municipal Board or Panchayats as the case may be, with an intimation to the applicant."

- (iv) for sub-section (4), the following shall be substituted namely :-

"(4) The Guwahati Municipal Corporation or other concerned Municipal Corporation or Municipal Board or Gaon Panchayats, as the case may be, shall examine the proposal as per provisions of the building bye-laws and other Acts and rules for the time being in force and if satisfied, issue the Building Permit on receipt of such fees as may be prescribed as per building bye-laws."

- (v) for sub-section (5), the following shall be substituted namely:-

"(5) After approval of Planning Permit, one copy shall be retained in the office of the concerned Authority for record and the other three copies shall be forwarded to the concerned Municipal Corporation or Municipal Boards or Panchayats, as the case may be, along with the relevant papers with intimation to the applicant."

- (vi) in sub-section (6) in the first line in between the words "Authority" and "Guwahati" the words " other Development Authority" and in second line in between the words "or other" and "urban local bodies" the words "Municipal Corporation and Municipal Boards" shall be inserted.

- (vii) in sub section (7), in clause (ii) in sub-clause (o), in sixth line, after the words "such deviations as per" for the existing provision the following shall be substituted, namely:-

“The Guwahati Municipal Corporation Act, 1969, Assam Municipal Corporation Act, 2022, the Assam Municipal Act 1956, the Guwahati Metropolitan Development Authority Act, 1985, the Assam Town and Country Planning Act, 1959 and Assam Panchayat Act, 1994.”

Act No I of 1973
Act No VIII of 2022
Act No XV of 1957
Act No XX of 1987
Act No. II of 1960
Act No. XVII of 1994

Amendment of section 12

10. In the principal Act, in section 12, in sub-section (i), in seventh and eighth line for the words, “Guwahati Municipal Corporation Act, 1971, and Guwahati Metropolitan Development Authority Act, 1985.”, the following shall be substituted, namely:-

“The Guwahati Municipal Corporation Act, 1969 or the Assam Municipal Act, 1956 or Guwahati Metropolitan Development Authority Act, 1985 or the Assam Apartment (Construction and Transfer of Ownership) Act, 2006 or the Assam Town and Country Planning Act, 1959 or relevant Acts governing the local bodies or Assam Municipal Corporation Act, 2022”

Act No I of 1973
Act No XV of 1957
Act No XX of 1987
Act No XXI of 2007
Act No. II of 1960
Act No VIII of 2022

Amendment of section 17

11. In the principal Act, in section 17,

- (i) in sub section (1), in second line, in between the words and number “Act, 1969” and “along with” the following shall be inserted, namely:-

“Assam Municipal Corporation Act, 2022, Assam Municipal Act, 1956, the Assam Town and Country Planning Act, 1959, Assam Panchayat Act, 1994”.

Act No VIII of 2022
Act No XV of 1957
Act No. II of 1960
Act No. XVII of 1994

- (ii) in sub- section (2)

- (a) in third line, in between the words “Act, 2006” and “along with” the following shall be inserted, namely:-

“Assam Municipal Corporation Act, 2022, Assam Municipal Act, 1956, the Assam Town and Country Planning Act, 1959, Assam Panchayat Act, 1994”.

Act No VIII of 2022
Act No XV of 1957
Act No. II of 1960
Act No. XVII of 1994

- (b) in last line, for the words “Guwahati Metropolitan Area” the words “State of Assam” shall be substituted

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Guwahati Building Construction (Regulation) Act, 2010.

The provisions of "The Guwahati Building Construction (Regulation) Act, 2010" has been proposed for extension to other Master Plan areas declared under the Assam Town & Country Planning Act, 1959 and to Municipal Areas constituted under the Assam Municipal Act, 1956, to bring in these provisions to all urban areas of the state of Assam for a uniform enforcement of master plan and building regulation and to frame uniform single building byelaw for the state.

As per the reforms agenda on the Ease of Doing Business (EoDB) there is requirement of a uniform and single building byelaw for the entire state. This is also a requirement under reforms agenda of urban development sector of Govt. of India. The amendment of the act is urgently required to meet the time frame set by the Govt. of India so that, the special financial assistance can be availed by the State of Assam.

The extension of the provisions to the other Master Plan areas will enable the Government to frame uniform byelaws for enforcement of Master Plan and Building Byelaws for the entire state of Assam. It will enable the planners to envisage a planned growth towards developing the areas in a systematic and planned manner and facilitate implementation of zoning plan of master plan effectively.

Hence, the Bill for amendment of following sections of the Act :-

Section 1

Section 2

Section 3

Section 4

Section 5

Section 12

Section 17

ASHOK SINGHAL,

Minister,

Department of Housing and Urban Affairs,
Assam, Dispur.

HEMEN DAS,

Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

MEMORANDUM OF DELEGATED LEGISLATION

The present amendment will not create any delegated legislation.

ASHOK SINGHAL,
Minister,
Department of Housing and Urban Affairs,
Assam, Dispur.

**Extract of the existing section of "The Guwahati Building Construction
(Regulation) Act, 2010"**

[Assam Act XVI of 2010]

Preamble	<p>Whereas it is expedient to provide for the development, control and regulation to check the haphazard growth of buildings within the Guwahati Metropolitan Area by the authorities concerned and specify the provisions regulating such planning and construction of buildings and for matters connected therewith and incidental thereto.</p> <p>It is hereby enacted in the Sixty-first Year of the Republic of India as follows :</p>
Short title extent and commencement	<p>1. (1) This Act may be called the Guwahati Building Construction (Regulation) Act, 2010. (2) It shall extend to the whole of Guwahati Metropolitan Area as notified by the State Government. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.</p>
Section 2	<p>2. (4) "Authority" means the Guwahati Metropolitan Development Authority, Guwahati Municipal Corporation and other Urban Local Body or Panchayat as the case may be;</p> <p>(11) "building permit" means permission accorded by the Guwahati Municipal Corporation or by the other urban local bodies or Panchayats concerned relating to all issues of construction of building as per provisions of the Master Plan and Zoning Regulations prepared and published under the Guwahati Metropolitan Development Authority Act, 1985 and Building bye-laws prepared under this Act;</p> <p>(29) "Planning Permit" means the permission accorded by the Guwahati Metropolitan Development Authority as per the provisions of Master Plan and Zoning Regulations published by the Authority from time to time under the Guwahati Metropolitan Development Authority Act, 1985;</p> <p>(43) "use" means the purpose for which the building or a part of building is used or intended to be used and the term "mixed used" shall mean and include a building which is used for more than one use in different portion of the building;</p>
Section 3	<p>3. The Act shall apply to regulate the construction of the buildings as per Planning Permit and Building Permit accorded to the concerned applicant by the Guwahati Metropolitan Development Authority and the Guwahati Municipal Corporation respectively and use of the site of the building under the jurisdiction of the Guwahati Metropolitan Area in the following manner:-</p>
Section 4	<p>4. (1) Notwithstanding anything to the contrary contained in the Guwahati Metropolitan Development Authority Act, 1985 and Guwahati Municipal Corporation Act, 1971 the State Government shall frame the building bye-laws to regulate the construction of buildings under the jurisdiction of Guwahati Metropolitan Area.</p>
	<p>5. (1) Every person who intends to erect or re-erect or make material alteration in any place in a building or part thereof, within the jurisdiction of Guwahati Metropolitan Area, shall make an application in the form prescribed for the purpose in the building bye-laws to the Chief Executive Officer, Guwahati Metropolitan Development Authority, and such application shall be accompanied by the plans and conforming to the requirements mentioned in the building bye-laws in quadruplicate in blue or white prints or computer generated prints.</p>

<p>Section 5</p>	<p>(2) The form to be prescribed under sub-section (1) shall be of two parts being the "Part-I" for Planning Permit and Part-II for construction of "Building Permit". The Planning Permit shall be issued by the Guwahati Metropolitan Development Authority and Building Permit shall be issued by the Guwahati Municipal Corporation, or other Urban Local Bodies or Panchayats, as the case may be, within the Guwahati Metropolitan Area.</p> <p>(3) At first the applicant shall file application form to the Guwahati Metropolitan Development Authority with requisite processing fee for obtaining Planning Permit. The officials of Guwahati Metropolitan Development Authority shall verify and examine the application promptly with regard to the Planning and Zoning Regulations and forward the Planning Permit with such modifications as may be required, to the Guwahati Municipal Corporation or other Urban Local Bodies or Panchayats as the case may be, with an intimation to the applicant.</p> <p>(4) The Guwahati Municipal Corporation or other Urban Local Bodies or Panchayats, as the case may be, shall examine the proposal as per provisions of the building bye-laws and other Acts and Rules for the time being in force and if satisfied, issue the Building Permit on receipt of such fees as prescribed in the building bye-laws.</p> <p>(5) After approval of Planning Permit, one copy shall be retained in the office of the Authority for record and the other three copies shall be forwarded to the Guwahati Municipal Corporation or other Urban Local Bodies or Panchayats, as the case may be, along with the relevant papers with intimation to the applicant.</p> <p>(6) The Guwahati Metropolitan Development Authority, Guwahati Municipal Corporation or other Urban Local Bodies or Panchayat, as the case may be, shall either grant or refuse to grant Planning Permit or Building Permit as the case may be with period as stipulate in the building bye-laws. In the event of failure of the Authority to grant Planning Permit or the Building Permit within the period stipulated in the building bye-laws, then the permits shall be deemed to have been granted and the applicant may proceed for execution of the work with an intimation to the Authorities concerned at least 10 (ten) days prior to commencement of the work but not so as to contravene any of the provisions of this Act or any rules or building bye-laws made under this Act.</p> <p>Explanation:-</p> <p>Format of Application to erect or re-erect or make material alteration in a building as required along with a checklist to ensure complete submission of documents to facilitate early disposal of cases shall be filled up as provided in the building bye-laws by the applicant.</p> <p>(7) (ii) (o) the owner shall file an undertaking stating that he shall leave and surrender land for road widening, if required and he will not violate any provisions of this Act rules and building bye-laws made under this Act and that in case of any violations, the Authority shall be at liberty to summarily remove such deviations as per Guwahati Municipal Corporation Act, 1971 and Guwahati Metropolitan Development Authority Act, 1985.</p>
<p>Section 12</p>	<p>12. (i) Any person who contravenes any of the provisions of this Act or any requirements or obligation imposed on him by virtue of this Act or building bye-laws framed under this Act or who interferes with or obstruct any person in the discharge of his duties in pursuance of this Act, rules or building bye-laws shall be punishable as per the relevant provisions of the Guwahati Municipal Corporation Act, 1971 or the Guwahati Metropolitan Development Authority Act, 1985 or the Assam Apartment (Construction and Transfer of Ownership) Act, 2006 and relevant Acts governing the local bodies.</p>

Section 17	<p>17. (1) The relevant provisions of the Guwahati Metropolitan Development Authority Act, 1985 and the Guwahati Municipal corporation Act, 1971 along with all amendments up to date inconsistent with this Act shall stand repealed with effect from the date from which this Act.</p> <p>(2) The relevant sections of the Assam Town and country planning Act, 1959; the Assam Municipal Act, 1956 and the Assam Apartments (construction and Transfer of ownership) Act, 2006 along with their amendments up-to-date and rules and regulations as made thereunder inconsistent with the provisions of this Act shall cease to operate within the Guwahati Metropolitan Area.</p>
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HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

THE ASSAM TOWN AND COUNTRY PLANNING (AMENDMENT) BILL, 2022

A

BILL

further to amend the Assam Town and Country Planning Act, 1959.

Preamble

Whereas it is expedient to amend the Assam Town and Country Planning Act, 1959, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam
Act No. 1
of 1960

It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Assam Town and Country Planning (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Amendment of section 2

2. (i) In the principal Act, in section 2, for clause (1), the following shall be substituted, namely,-

“(1) “Authority” means the Development Authority constituted by the State Government for the purpose of implementation of the provisions made under this Act. In case of Municipal areas, Authority shall be the Municipal Boards or Municipal Corporation constituted under the Assam Municipal Act, 1956 and Guwahati Municipal Corporation Act, 1969. Where there is no Development Authority or Municipality, the office of the Deputy Director/Assistant Director of Town and Country Planning under whose jurisdiction the area falls, shall perform the functions to carry out the provisions of this Act and rules made hereunder.”

Assam Act
XV of 1957

Assam Act I
of 1973

- (ii) for clause (10), the following shall be substituted, namely,-

“(10) “Master Plan” means a statutory plan document, prepared for stream-lining the land use within the delineated planning area. It is a long term plan that provides a conceptual layout for the future urban growth and development.”

- (iii) after clause (10), the following new clauses (10A) and (10B) shall be inserted, namely,-

“(10A) “Development Plan” means a plan for the development or redevelopment or improvement of an area within the jurisdiction of an Authority as defined under clause (1) of section 2 of this Act. A Development Plan may be a Regional Development Plan, a Metropolitan Development Plan, Area Development Plan, Master Plan, Peripheral Zone Development Plan, Town Development Plan, Zonal Development Plan, District Development Plan, Local Area Plan, Town Planning Scheme or any other plan or scheme prepared under this Act by whatsoever name known;

(10B) “Zoning Regulation” means regulations for the use of land, buildings built thereon, consistent with maintaining the minimum standard of density of building, protection of open spaces, sanitation and environmental hygiene etc. for the different zones proposed in the Zoning Plan of the Master Plan.”

- (iv) after clause (16), the following new clauses (16A), (16B), (16C), (16D), (16E) and (16F) shall be inserted, namely, -

“(16A) “Town Planning Scheme” means a comprehensive plan for a particular area within the framework of the Master Plan, if any or for the local planning area. The planning process consists of merging and redistribution of land parcels in the urban expansion zone.

(16B) “Transferable Development Right” means a development right to transfer the potential of a plot designated for a public purpose in a plan under this Act, expressed in terms of total permissible built-up space calculated on the basis of floor area ratio allowable for that plot, for utilization by the owner himself or by way of transfer by him to someone else from the present location to a specified area in the plan as additional built-up space over and above the permissible limit in lieu of compensation for the surrender of the concerned plot free from all encumbrances to the Urban Local Body (ULB).

(16C) “Accommodation Reservation” means a permission to the

owner of the land, which is required for public amenities in any plan prepared under this Act, to use the potential of a plot in the form of built-up space guided by Floor Area Ratio, in addition to the area required for the amenities, in lieu of the cost of the land and the built-up space of such amenity, to be transferred to the Authority as prescribed;

(16D) "Local Area Plan" is the principal statutory planning instrument for setting out a balanced understanding, vision and spatial strategies at the local level within the framework of Master Plan;

(16E) "Transit Oriented Development" is the integration of landuse with Transport Systems, which is essentially any development, macro or micro that is focused around a transit node; and facilitates complete ease of access to the transit facility thereby inducing people to prefer walk and use public transport over personal modes of transport;

(16F) "Central Business District (CBD)" is that part of the city which contains the principal commercial streets. It is the functional area of a city that has maximum concentration of commercial, retail and business activities;"

(v) after clause (17), following clause (17A) shall be inserted, namely,-

"(17A) "Town Planning Officer" means Deputy Director or Assistant Director of Town and Country Planning, Assam appointed by the State Government."

Amendment of
section 3

3. In the principal Act, in section 3, for sub-section (1), the following shall be substituted, namely,-

"(1) The State Government shall constitute the council, by notification published in the Official Gazette to advise the Government on matters referred to it. The Council shall consist of the following members, namely:-

(i)	Minister in- Charge of Department of Housing and Urban Affairs	Chairman
(ii)	Director of Town and Country Planning, Assam	Secretary
(iii)	Senior most Secretary, Department of Housing and Urban Affairs	Member
(iv)	Senior most Secretary, Public Works Department (B and NH) or his nominee	Member
(v)	Senior most Secretary, Public Works Department (Roads) or his nominee	Member
(vi)	Senior most Secretary, Water Resource Department or his nominee	Member
(vii)	Senior most Secretary, Public Health Engineering or his nominee	Member
(viii)	Senior most Secretary, Panchayat and Rural Development	Member
(ix)	Senior most Secretary, Finance Department or his nominee	Member
(x)	Senior most Secretary, Revenue Department or his nominee	Member
(xi)	Senior most Secretary, Transformation and Development Department or his nominee	Member
(xii)	Senior most Secretary, Department of Transport or his nominee	Member
(xiii)	Senior most Secretary, Environment and Forest Department or his nominee	Member
(xiv)	Six others non official members half of whom shall be elected by the Assembly and the rest shall be nominated by the State Government	Member
(xv)	Such member of representatives of Local Authorities falling within the area as may be covered by the Master Plan not exceeding two or may be co-opted by the Council by a notification, published in the Official Gazette	Member "

Insertion of
section
7A, 7B, 7C

“Functions
and
Powers of
the Council

4. In the principal Act, after section 7, following new sections 7A, 7B and 7C shall be inserted, namely,-

7A (1) Subject to the provisions of this Act and rules framed there under, the functions of the Council shall be to advise the Government in matters relating to planning and development and use of rural and urban land in the State, to guide, direct and advise the District Offices of Town and Country Planning or any other Development Authority/(ies) constituted under the Act and to perform such other functions as the Government may, from time to time assign to the Council.

(2) In particular and without prejudice to the generality of the foregoing provision, the Council may and, if required by Government, shall,-

- (a) advise on preparation of policies for Urban Development;
- (b) advise on the delineation of the Planning Area(s) for purposes of planned development and direct the preparation of Development Plan;
- (c) direct the preparation of one or more Development Plan(s) and/or Regional Plan (s) by the Authorities;
- (d) perform any other functions which is incidental, supplemental or consequential to any of the functions mentioned above;
- (e) evaluate and review the operations made by various Government Departments/ Institutions, in the context of implementation of the Plans prepared under this Act, based on the consolidated reports forwarded by the District Offices of Town and Country Planning and the Development Authorities and submit reports thereon to the Government;
- (f) advise the Government on,-
 - (i) resolving issues, if any, pertaining to inter-district spatial planning and infrastructure development; and

- (ii) identification of probable location of major investment inputs which are likely to have substantial impact on the development scenario of the State;

(g) perform such other functions as may be prescribed.

- (3) The Council may exercise all such powers as may be necessary or expedient for the purpose of carrying out its functions under this Act.

Meetings of the Council

7B (1) The Council shall meet at such times and place as it thinks fit, not less than twice in a year and shall observe such procedure as may be prescribed in regard to the transaction of its business at such meetings.

- (2) The Chairperson or in absence of the Chairperson, any member chosen by the members from amongst themselves, shall preside over the meeting of the Council.

Office of the Council

7C The office of the Director, Town and Country Planning, Assam shall act as the office of the Council."

Amendment of section 8A

5. In the principal Act, in section 8A, after sub-section (2), the following sub-section shall be inserted, namely, -

"(3) Where no Authority is constituted, the Deputy Director/ Assistant Director of Town and Country Planning under whose jurisdiction the area falls shall perform functions to carry out the provisions of this Act."

Amendment of section 8B

6. In the principal Act, in section 8B, in sub-section (1),

- (i) for clause (c), the following shall be substituted, namely, -

"(c) Town Planning Officer of the Authority shall be the Deputy Director/ Assistant Director of the respective district office of the Directorate of Town and Country Planning, Assam under whose jurisdiction the Authority falls. He/she shall be the Member Secretary of the Authority".

- (ii) in clause (c), in second line, in between the word "Officer" and "as the" the following shall be inserted, namely,-

“of the concerned District shall be the Vice Chairman of the Development Authority”.

- (iii) in clause (g), in between the words “representing” and “Commerce” the words “Chamber of” shall be inserted.
- (iv) for clause (i), the following shall be substituted, namely,-
“(i) one member representing District Industries and Commerce Centre (Public Sector) shall be nominated by the State Government.”
- (v) for clause (j), the following shall be substituted, namely:-
“(j) (i) President of Gaon Panchayat ,
(ii) President of Anchalik Panchayat,
(iii) Chief Executive Officer of Zila Parisad and
(iv) Block Development Officer of the area covered by the Master Plan.”
- (vi) for clause (l), the following shall be substituted, namely,-
“(l) One Member each from Public Works (Roads) Department and Public Works Building and National Highways Department.”
- (vii) after clause (m), the following new clauses (n), (o), (p) and (q) shall be inserted, and thereafter the existing clause (n) shall be renumbered as clause (r) namely,-
“(n) Chief Engineer, Water Resource Department or his nominee,
(o) One member from Airport Authority (wherever applicable),
(p) One member from Forest Department,
(q) Two eminent Social workers to be nominated by the State Government.”

Amendment of 7:
section 8D

“The powers and functions of a Development Authority shall be-

- (i) to undertake the preparation of Development Plan, Development Scheme, Town Planning Scheme or any other plan under the provisions of this Act for the Master Plan area and also to prepare fringe area plan in the periphery of a town to prevent haphazard and uncontrolled growth as per guidelines published by the Government from time to time in this respect in the Official Gazette;

- (ii) to carry out surveys in the Master Plan area for the preparation of development plans, town Planning Schemes or such other plans;
- (iii) the Authority shall have the power to acquire, by way of purchase or otherwise, hold, manage, plan, develop and mortgage or otherwise dispose of land and other property, to carry out by or on its behalf building, engineering, and other operations, to execute works in connection with services and amenities and generally to do anything necessary or expedient for purposes incidental thereof;
- (iv) to guide, direct and assist the local authority or authorities and/or other statutory authorities functioning in the urban development area in matters pertaining to the planning, development and use of urban land as per the Master Plan;
- (v) to control the development activities in accordance with the Master plan in the Master Plan area;
- (vi) to levy and collect such security fees for scrutiny and processing of documents and for permission for development as may be prescribed;
- (vii) to enter into contracts, agreements or arrangements with any person or organisation as the Development Authority may deem necessary for performing its function;
- (viii) to exercise such other powers and perform such other functions as are supplemental, incidental or consequential to any of the foregoing powers and functions or as may be directed by the State Government.”

Amendment of 8.
section 8G

In the principal Act, in section 8G, after sub-section (2), the following sub-sections (3) and (4) shall be inserted, namely, -

- “(3) Notwithstanding anything contained in this Act, or the rules made thereunder, the Government may, after consulting all the Development Authorities, may by notification create any class of officers or employees of the Authorities into an Urban Development Authorities Service for the State.

- (4) The methods of recruitment, conditions of service, pay and other allowances, and conduct of such officers and employees of the Urban Development Authorities service, shall be as may be prescribed.”

Insertion of 9.
new section 8I
and 8J

In the principal Act, after section 8H, the following new sections 8I and 8J shall be inserted, namely, -

“Declaration of
Planning Areas

- 8I (1) The Government may, for the purpose of securing planned development of regions or areas within the State, after consultation with the Director, Town and Country Planning Assam, declare by notification, published in the Official Gazette, any such region or area or regions or areas, including a Metropolitan Area or area for development of new towns in the State to be a Planning Area, by whatsoever name known for the purposes of this Act.
- (2) Every such notification shall precisely define the limits of such Planning Area.
- (3) The Government, after consultation with the Director, Town and Country Planning Assam, may declare, with reference to such Planning Area, its surrounding area, defining clearly and unambiguously, as its Peripheral Area:
- (4) The Government, after consultation with the Director, Town and Country Planning Assam and the concerned Authorities, may amalgamate two or more Planning Areas into one Planning Area, sub-divide Planning Area(s) into different Planning Areas and include such sub-divided areas in any other Planning Area.
- (5) The Government, by notification, published in the Official Gazette may direct that all or any of the rules, regulations, orders, directions and powers made, issued, and in force in any other Planning Area at that time, with such exceptions, adaptations and modifications, as may be considered necessary to apply to the area declared as amalgamated or included in a Planning Area under this section and such rules,

regulations, bye-laws, orders, directions and powers forthwith shall apply to such Planning Area without further publication.

- (6) When Planning Areas are amalgamated or sub-divided, the Government after consultation with the Director, Town and Country Planning Assam, shall frame a Scheme determining what portion of the balance of the funds shall vest in the Planning Authority (ies) concerned and in what manner the properties and liabilities of the Planning Authority (ies) shall be apportioned amongst them and on the Scheme being notified, the fund, property and liabilities shall be vested and be apportioned accordingly.

- (7) On or after the date of such notification of declaration of the Planning Area as well as Peripheral Area, the Government may impose such restrictions and conditions for transaction or any use of land in any part lying within these areas for such period as it considers necessary for preparation and implementation of the Master Plan or any other Plan as described in this Act in the manner prescribed.

Withdrawing of
Planning Area

- 8J (1) The Government, after consultation with the Director, Town and Country Planning Assam may, by notification, published in the Official Gazette withdraw from the operation of any of the provisions of this Act, the whole or a part of any Planning Area declared.

- (2) When such a notification is issued for any Planning Area:-

- (a) the relevant provisions of this Act and all notifications, rules and regulations, orders, directions and powers issued, made or conferred under this Act shall, cease to apply to the said area.
- (b) the Government shall, after consulting the Authority (ies) concerned, frame a Scheme for determining the portion of the balance of the fund of the Planning Authority that shall vest in the Government and the Local Authority (ies) concerned and in what manner the

properties and liabilities of the Authority shall be apportioned between the Government and the Local Authority (ies) and on the Scheme being notified, the fund, property and liabilities of the Authority shall vest and be apportioned accordingly.”.

Amendment of
section 9

10. In the principal Act, for section 9, the following shall be substituted, namely,-

“ (1) Master Plan is a statutory plan document, prepared for streamlining the land use within the delineated planning area. It is a long term plan that provides a conceptual layout for the future urban growth and development. The uniform zoning regulation notified by the State Government from time to time shall be used in laying down broad directions of growth and controlled urban development on rational lines.

(2) A Master Plan hereinafter referred to as “Plan” in this Act for the development of any area within the state which the State Government may consider necessary, shall be drawn up by the Director or the Office of the Deputy Director/ Assistant Director of the Director Town and Country Planning in consultation with the local authority/ authorities concerned and submitted to the State government through the Advisory Council for examination and approval.”

Amendment of
section 10

11. In the principal Act, in section 10, in sub-section (1); in second line, the words “and the regulation” appearing in between the words “plan” and “from” shall be deleted and in third line, in between the word “published” and “in”, the words “in the Official Gazette and in some local newspaper” shall be inserted.

Amendment of
section 11

12. In the principal Act, for section 11, the following shall be substituted, namely,-

“Contents of
Master Plan

11. The Master Plan as defined under section 9 shall include, as far as may be applicable, the following namely:-

(1) **EXISTING LANDUSE MAP:**

(i) **Residential:** (including slum areas, space for affordable housing and Government provided housing

Scheme, if any);

- (ii) **Commercial** : major markets and commercial hubs including existing and proposed vending zones and vendors markets, daily and weekly markets, etc.;
- (iii) **Industrial**: current manufacturing areas and industrial warehouses, etc; also including, current and proposed LPG Storage areas;
- (iv) **Public/Semi-public**: Pay and Use Toilets, Cemetery, Burial and Cremation grounds, Religious buildings, Lifeline Buildings like Hospitals, PHCs, Police stations, Major Institutional Buildings like educational institution and offices such as Deputy Commissioner's office, Fire Stations; etc;
- (v) **Recreational spaces**: Parks, gardens, stadium and sports complex ;
- (vi) **Open Spaces**: Restricted developable multi-purpose open space like maidans for public assembly, functions, sports, etc.;
- (vii) **Green belt**: Restricted development, including plantations, fisheries, urban forestry, hills, grazing lands, barren land, non-agricultural char areas in and along rivers, etc.;
- (viii) **Eco-zone** : Undevelopable areas, including Reserved forest, wetlands, wildlife corridors, sanctuaries, etc.
- (ix) **Agriculture**;
- (x) **Water bodies**: Rivers, beels, wetlands, swamps, big ponds, Natural channels as already demarcated in Cadastral maps;
- (xi) **Transport**: Bus terminals, Truck Terminals, Airport, railway station, internal water ways, etc.;
- (xii) **Special areas**: Old-build up, Heritage, Pilgrimage and Notified Archeological sites, if any.

(2) PROPOSED LAND USE MAP:

- (i) **Residential:** (also including slum areas, space for affordable housing and Government provided housing Scheme, if any);
- (ii) **Commercial:** major retail and wholesale markets and commercial hubs including existing and proposed vending zones and vendors markets, daily and weekly markets, etc.;
- (iii) **Industrial:** current manufacturing areas and industrial warehouses, etc., also including, current and proposed LPG Storage areas;
- (iv) **Public/Semi-public:** Pay and Use Toilets, Cemetery, Burial and Cremation grounds, Religious buildings, Stadiums, Lifeline Buildings like Hospitals, Primary Health Centres, Police stations, major Institutional Buildings like educational institution and offices such as Deputy Commissioner's office, Fire Stations, etc.;
- (v) **Agriculture;**
- (vi) **Open Space:** Restricted developable multi-purpose open space like maidans for public assembly, functions, sports, etc.;
- (vii) **Green belt:** Restricted development, including plantations, fisheries, urban forestry, hills, grazing lands, barren land, non-agricultural char areas in and along rivers, etc.
- (viii) **Eco-zone :** Undevelopable areas, including Reserved forest, wetlands, wildlife corridors, sanctuaries, etc.;
- (ix) **Recreational spaces:** Parks, gardens, stadium and sports complex ;
- (x) **Water bodies:** Rivers, beels, wetlands, swamps, big ponds; Natural channels as already demarcated in Cadastral maps;

- (xi) **Transport:** Bus terminals, Truck Terminals, Airport, railway station, internal water ways, etc.;
- (xii) **Special areas:** Old-city Build-up, Heritage, Pilgrimage and Notified Archeological sites, if any, in proposed area;
- (xiii) **Composite uses:** Mix of Commercial, Residential, Public-semi public, existing industrial, etc.;
- (xiv) Eco-sensitive zones;
- (xv) Central Business District(CBD);
- (xvi) Transit Oriented Development zones.(TOD);
- (xvii) Transferable Development Right emanating zones;

(3) PROPOSED ZONING MAP

- (i) Residential;
- (ii) Commercial;
- (iii) Industrial;
- (iv) Public and Semi-public;
- (v) Agriculture;
- (vi) Green belt;
- (vii) Recreational Spaces;
- (viii) Open Spaces;
- (ix) Eco-zone ;
- (x) Transport zones;
- (xi) Water Bodies;
- (xii) Composite Zone;
- (xiii) Eco-sensitive zones;
- (xiv) Central Business District (CBD);
- (xv) Transit Oriented Development zones (TOD);
- (xvi) Transferable Development Right (TDR) emanating zones;
- (xvii) Land use permissibility in different zones.

(4) PROPOSED CIRCULATION MAP*(Existing and proposed)*

- A. (i) Road hierarchy in the city including bye-pass road;
- (ii) Demarcation of incomplete loops of major roads;
- (iii) Bus terminals, and major bus stops (with or without infrastructure);
- (iv) Freight zones and Logistics (including truck and inland water) ;
- (v) On-street parking for trucks and heavy vehicles and other vehicles (only existing);
- (vi) Proposed truck and heavy vehicle parking bays, designated parking for other vehicles ;
- (vii) Major accident-prone zones;
- (viii) Multi-car parking; mechanized parking, proposed parking for major transit zones like bus stops, railway station and ferry ghats, proposed parking for major commercial and institutional areas;
- (ix) Designated Cycle tracks in suitable streets;
- (x) Footpaths of minimum 2 metre width;
- (xi) Proposed major rotary and junction improvements (road curves, signals signage, etc.);
- (xii) Proposed streets for Street lighting;
- (xiii) Railway track (existing track and proposals by Railways, if any);
- (xiv) Inland water transport (Ferry ghats, and their freight zones);
- (xv) Petrol/diesel Filling Stations;
- (xvi) Fly-overs, bridges, river bridges;
- (xvii) Transit Oriented Development zones.(TOD).

B. Alignment and Reservation of land**(5) PROPOSED UTILITIES PLANS***(existing and proposed)*

- (i) **Water Supply and Drainage Plan:**
 - (a) **Water Supply Plan:** Distribution zones, Intake points, raw water mains, Water treatment plant, Clean water overhead reservoirs, distribution network, important ponds for intake of water by Fire Department during disaster/emergency, fire hydrants.
 - (b) **Drainage plan:** delineation of basin area, major drains, sluice gates, silt traps, if any, major water logged areas.
 - (c), **Alignment and Reservation of land**
- (ii) **Sewerage plan and Solid Waste Management Plan**
 - (a) **Sewerage plan:** indicating trunk lines below and along roads, sewerage treatment plant (lower-most points of the city for analyzing gravity flow);
 - (b) **Solid Waste Management:** Location of Urban Local Body (ULB)-provided garbage bins; major garbage dumping areas near vegetable and fish markets; commercial areas, residential areas, Vending zones, Bus terminus, industrial areas, etc.; garbage collection points; garbage transfer stations; Industrial effluent treatment plants; Urban Local Body (ULB) Disposal Sites for garbage treatment/recycle; current and proposed landfill site.
- (6) At the time of preparation of the Master plan, concerned District Disaster Management Authority shall be consulted, relevant norms, rules, plans etc. as provided by the District Disaster Management Authority shall be considered and incorporated in the Master Plan.
- (7) A report giving relevant data and information in respect of the proposals in the Plan and any other things which the State Government may deem necessary.”

Amendment of
section 12

13. In the principal Act, in section 12,

- (i) in second line, the words “and the Regulations” appearing in between the words “Plan” and “they” shall be deleted.
- (ii) in last line, after the word ‘behalf’ the following shall be inserted, namely:-

“The copies of final Master Plan shall also be sent to all other stakeholder Agencies/ Departments for implementation of projects in compliance with the Master Plan/ Uniform Zoning Regulation and Building Rules/Byelaws. Any micro level Project, Scheme etc which are not specified in the Master Plan but proposed to be undertaken by the related Agencies/Departments shall be intimated to the Director, Town and Country Planning, Assam for necessary updation in the Master Plan.”

Insertion of section
12A

14. In the principal Act, after section 12, the following new section 12A and 12B, 12C and 12D shall be inserted, namely, -

“Area without
any Authority

12A. Where no authority is constituted; concerned Office of the Deputy Director/ Assistant Director of Directorate of Town and Country Planning Assam shall be the implementing authority of Master Plan, Zoning Regulation, Building Rule/ Building Bye Law and all the provisions as mentioned in the Act. The required Planning Permit shall be issued by the Office of the Deputy Director/ Assistant Director under Director of Town and Country Planning, Assam.

Implementation
of Master plan
when not
notified

12B. Notwithstanding anything contained in this Act or any other Act or rules, where there is no Master Plan notified, in that case, the Deputy Director/ Assistant Director of the District Offices of Town and Country Planning, Assam shall implement the provisions of Master Plan, Zoning Regulation, Building Rule/Building Bye Law etc, through preparation of Proposed Landuse and Zoning Map as per section 11 of this Act.

Procedure for
implementing
Master Plan

12C. (1) All development projects including commercial, industrial, public and semi-public, recreational, residential projects etc. shall conform to the provisions of the Master Plan, Zoning Regulation, Building Bye Law/ Rules etc. Moreover all

private development by individual and group shall also conform to the same.

- (2) The applicant shall obtain a Zoning Certificate from the Deputy Director/ Assistant Director of the Town and Country Planning under whose jurisdiction the area falls before applying for any building or land sale permission from the concerned Authority to ensure whether the proposed use is permissible in the zone.
- (3) The concerned Authority shall forward all such applications received for building and land sale permission to the Deputy Director/ Assistant Director of Town and Country Planning under whose jurisdiction the area falls for scrutinizing whether such proposals are in conformity with the Master Plan, Zoning Regulation, Building Bye Law/Rule etc and to obtain recommendation from him for the same. The concerned Authority shall not grant/reject any such permission without obtaining the said recommendation by the Deputy Director/Assistant Director of Town and Country Planning.

No
reclassification
of Agricultural
landuse

12D. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force, there shall be no reclassification of Agriculture land use to residential landuse if such land already falls in the residential zone earmarked in the Master Plan of the City or Area. The landuse prescribed in the Zoning Map of Master Plan shall prevail and permissible activities as provided in the Uniform Zoning Regulation as notified by the state shall be allowed to operate."

Amendment of
section 13

15. In the principal Act,

- (i) after sub-section (2), the following sub-section (2A) shall be inserted, namely—

"(2A). The Authority shall furnish the applicant with a written acknowledgment of its receipt and after satisfying itself that the development charge and scrutiny fees, if any, payable by the applicant has been paid and after making such inquiry as it thinks fit may, subject to the provisions of this Act, by order in writing.-

- (i) Grant the permission with or without any condition; or
 - (ii) Grant the permission, subject to any general or special orders made by the State Government in this behalf.”
- (ii) after sub-section (4), the following sub-sections (4A) and (4B) shall be inserted, namely, –
- “(4A). If any person carries out any development work or retains the use of any building or work or continues the use of land in contravention of the provisions of section 13 or of any permission granted under sub-section (1) of this section, the Authority may direct such person, by notice in writing, to stop further progress of such work or to discontinue any use and may, after making an inquiry in the prescribed manner, remove or pull down any building or work carried out and restore the land to its original condition or, as the case may be.
- (4B). Any expenses incurred by the Authority under sub-section (4) shall be a sum due to the Authority under this Act from the person in default.”
- (iii) for sub section (5), the following shall be substituted, namely:-
- “(5) Notwithstanding anything contained in the sub-section (1) to (4) of this section, no person shall make any construction or land development by land filling, which blocks the flow of a natural drainage channel or a drain constructed by the local Authority. The Authority shall serve a notice to the person under whose instance the construction or land development has been undertaken, requiring him to pull down or remove the work for such contravention within a period of three days.”

Amendment of
section 13A

16. In the principal Act, in section 13A, after the last line, the following shall be inserted, namely, –

“The Town Planning Officer of the Authority shall scrutinize such application for NOC before it is placed for approval by the Authority.”

- Insertion of section 13B
17. In the principal Act, after section 13A the following section 13B shall be inserted, namely, --
- “Lapse of permission
- 13B.** Every permission granted or deemed to have been granted under section 13 of this Act shall remain in force for a period of two years from the date of such grant and thereafter it shall lapse:
- Provided that, the Authority may, on application made to it accompanied with required fee, from time to time, extend such period by a further period or periods not exceeding one year at a time, so however, that the extended period shall in no case exceed five years in the aggregate :
- Provided further that the lapse of the permission as aforesaid shall not bar any subsequent application for fresh permission under this Act.”.
- Insertion of new section 21A
18. In the principal Act, after section 21, the following new sections 21A, 21B, 21C, 21D, 21E, 21F and 21G shall be inserted, namely, --
- “Detailed Town Planning Scheme
- 21A.** *“Detailed Town Planning Scheme”* means a layout plan for a particular area within the designated planning area, conceived within the framework of the Master Plan, if any, providing detailed proposals, indicating the manner in which the use of land and development therein shall be carried out.
- Power to take up Detailed Town Planning Schemes
- 21B.** After commencement of this Act, by notification in the Official Gazette, the Authority may undertake development of an area, including regulation of activities in that area, under its jurisdiction, by framing and implementing Detailed Town Planning Schemes, within the framework of Master Plan, if any, under this Act.
- Scope and Contents of Town Planning Scheme
- 21C.** (1) A Town Planning Scheme may have detailed proposals, including but not limited to the following matters, namely:-
- (a) establishment of new housing development schemes for different income groups including housing for economically weaker sections of the society, destitutes, women and children in distress, disabled, physically challenged, senior citizens etc.;

- (b) establishment of commercial centres, including specialised markets, wholesale and retail trade centres;
- (c) establishment of tourist centres and tourism related infrastructure;
- (d) establishment of industries, industrial estates, factories, service industries etc.;
- (e) development and landscaping of open spaces, recreational grounds, parks, zoological and botanical gardens and social forestry;
- (f) conservation of ecologically sensitive areas;
- (g) protection of environmentally sensitive areas;
- (h) conservation of heritage sites and buildings, objects of historical importance or natural beauty and of buildings actually used for religious purposes;**
- (i) proposals for natural hazard prone areas;
- (j) resettlement, rehabilitation and up-gradation of slum areas;
- (k) provision of health care, religious, cultural and educational facilities;
- (l) construction, reconstruction, alteration, improvement and maintenance of public roads and streets, bridges, pedestrian facilities, safe path for the cycle-riding, parking facilities, transport terminals including bus depots, bus bays, bus stops, street lighting and avenue plantation, improvement of road junctions;
- (m) provision of public transportation including mass transportation;
- (n) informal sectors;
- (o) such other matters not inconsistent with the objects of this Act, as may be considered necessary.

- (2) Every Detailed Town Planning Scheme shall contain details, as far as may be applicable, in respect of,-
- (a) land assembly over which the Detailed Town Planning Scheme is to be implemented;
 - (b) layout plan and other relevant drawings and details including, if necessary, the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the number, and character of buildings allowed in specified areas, the purposes for which buildings or specified areas may or may not be appropriated, the subdivision of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, floor area ratio, coverage, height, parking space, the size of projections and advertisement signs and hoardings;
 - (c) total estimated cost, source of funding, cost recovery statement, if any;
 - (d) manner of disposal of assets, if any;
 - (e) **management and maintenance mechanism; and**
 - (f) **any other matters as may be considered necessary for ensuring planned development."**

Procedure for
preparation,
publication and
sanctioning of
Town Planning
Scheme

- 21D (1) The Authority may, at any time, by resolution, decide to prepare or adopt a Town Planning Scheme and shall notify same, in the Official Gazette and in at least one newspaper having wide circulation and such notification shall contain the boundaries of the planning area and the purpose for which such Plan is intended to be prepared.
- (2) The Authority shall, in consultation with the Director, Town and Country Planning, State Government and other Government Departments and agencies, prepare or get prepared a draft Town Planning Scheme for the planning

area within two years from the date of notification in the Official Gazette of the intention to prepare the Plan under sub-section (1) above, after reviewing Plans, if any, prepared earlier, duly approve such plan through resolution of the Advisory Council, and publish the draft Town Planning Scheme in the website and the notice of publication in the Official Gazette and in at least two newspapers having wide circulation in the local planning area, of which one must be in the regional language, specifying the place or places where a copy of the same is available for inspection and also inviting objections and suggestions to be submitted within 60 (sixty) days from the date of publication of the notice in the Official Gazette.

- (3) After the expiry of the period allowed under sub-section (2) above for filing objections and suggestions, the Authority concerned shall consider all the objections and suggestions received and shall after allowing a reasonable opportunity of being heard, to any person who has made a request for being so heard, make such modifications in the Town Planning Scheme as it considers proper, as far as possible, within a period of sixty days from the time limit prescribed for receiving objections and suggestions under sub-section (2) above and shall submit the Town Planning Scheme with or without modifications, together with all objections and suggestions in original, for sanction of the Government.
- (4) The Government may, as far as possible, within sixty days from the date of the receipt of such Town Planning Scheme after considering all objections and suggestions in consultation with the Director, Town and Country Planning, either accord sanction with or without modifications or refuse such sanction specifying reasons thereof:

Provided that if the Town Planning Scheme is returned for incorporating modifications, if any, suggested by the Government, the modified Town Planning Scheme shall be resubmitted within ninety days for sanction as if the same is submitted afresh under this Act.

- (5) Immediately after a Town Planning Scheme is sanctioned by the Government under this Act the Authority concerned shall notify the fact of sanctioning of the Town Planning Scheme in the Gazette and publish a notice in at least one local newspaper having wide circulation mentioning the place or places where a copy of the same shall be available to the public for reference or for sale. The sanctioned Town Planning Scheme shall also be published in the website of the Director, Town and Country Planning.
- (6) The procedures for sanctioning the Town Planning Scheme specified above shall continue to be in operation until sanction has been accorded, even if the time limit specified under sub-sections (2) to (4) above are not complied with:

Provided that in cases where a sanctioned Master Plan or Town Planning Scheme already exists in the area, its provisions shall only apply until the published Town Planning Scheme is sanctioned in accordance with this Act.

Set-up special
function
agencies

- 21E. An appropriate Authority, with the prior approval of the Government, may set-up special function agencies for the performance of such specific functions, in accordance with and not inconsistent with the objects of this Act, in such cases where it considers appropriate that it would be in public interest and would effect economy and efficiency in the performance of the functions assigned to it."

Town Planning
Schemes that
are published
but not
sanctioned
within the time
limit prescribed
Local Area
Plan

- 21F. Notwithstanding anything contained in this Act, in respect of any area for which planned development is necessary and the published Town Planning Scheme is not sanctioned within the time limit prescribed, the Government, may, after making such enquiry as they may deem necessary, require the Development

Authority concerned to process and sanction the Town Planning Scheme as laid down in this Act.

21G (1) Preparation of Local Area Plan :

Subject to the provisions of this Act or any other law for the time being in force, the Authority may after the draft Master Plan has been notified by the Government, prepare Local Area Plan(s) for the purpose of implementing the proposals contained in the Master Plan or as per the requirement as identified by the Authority or Government time to time and prepare Local Area Plan for such area or areas within its jurisdiction or any part thereof:

Provided that when the notification of a draft Master Plan has been notified in the Official Gazette the Government may direct an Authority to prepare or invite Local Area Plan through the district office of Director of Town and Country Planning Assam under which jurisdiction the areas falls as per Local Area Plan so identified.

(2) Scope and Contents of the Local Area Plan:

- (i) A Local Area Plan may be made in accordance with provisions of this Act in respect of any land which is,-
 - (a) In the process of development,
 - (b) Likely to be used for any development including building purposes, or
 - (c) Already built upon
 - (d) For the purpose of redevelopment
 - (e) For the purpose of undefined as investment area or zone by the Government
 - (f) Likely to be used for Transit Oriented Development Zone or any other Rapid Transit System Zone
 - (g) Any other purpose which meant for the comprehensive development of the area

Explanation:-

The expression "land likely to be used for building purposes" shall include any land likely to be used as or for the purpose of providing adequate open spaces, roads, streets, parks, pleasure or recreational grounds, parking spaces, market area, institutional area, healthcare facility etc. or for the purpose of executing any work upon or under the land incidental to a scheme, whether in the nature of a building work or not.

(ii) A Local Area Plan may make provisions for any or all of the following matters, namely:-

- (a) The area, ownership and tenure of all existing plots covered by the scheme;
- (b) The laying out or relaying out of land, either vacant or already built upon;
- (c) The filling up or reclamation of low-lying swamp or unhealthy areas or leveling up of land;
- (d) Layout of new streets or roads, construction, diversion, extension, alteration, improvement, closure or relocation of streets, roads and communications;
- (e) The reconstitution of plots;
- (f) The construction, alteration and removal of buildings, bridges and other structures;
- (g) The allotment or reservation of land for roads, open spaces, gardens, parks, recreation grounds, schools, markets, residential purposes, industrial and commercial activities, green belts and dairies, transport facilities and public purposes of all kinds, the portion of land which can be acquired;
- (h) Undertaking housing schemes for different income groups, including housing for

- economically weaker sections (EWS), commercial areas, industrial estates, provision of community facilities like schools, hospitals and similar type of developments;
- (i) Drainage, sewerage, surface or sub-soil drainage and sewage disposal;
 - (j) Lighting;
 - (k) Water supply;
 - (l) The preservation and protection of objects of historical importance or of natural beauty and of buildings actually used for religious purposes;
 - (m) the imposition of conditions and restrictions in **regard to the open space to be maintained around buildings, the percentage of building area for a plot, the number, height and character of buildings allowed in specified areas, the purposes for which buildings or specified areas may or may not be appropriate, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking space and loading and unloading space for any building and the size of projections and advertisement signs;**
 - (n) The suspension, so far as may be necessary, for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order made or issued under any Act which the State Legislature is competent to amend;
 - (o) Acquisition by purchase, exchange, negotiating settlement or otherwise of any property necessary for or effected by the execution of the scheme;
 - (p) The reservation of land for development of infrastructure, parks, common amenities, parking

etc, shall be made from the total area covered under the scheme, as prescribed in the Rules.

- (q) Such other matters not inconsistent with the objects of this Act, as may be directed by the Government or as may be prescribed.

(3) Approval of the Local Area Plan:

- (i) The draft Local Area Plan prepared by the Authority shall be submitted by the Authority to the Director, Town and Country Planning Assam for further draft notification by the Government.
- (ii) The Authority shall examine the Local Area Plan in the light of the Act and objections that may be received from the stakeholders, giving reasonable opportunity of being heard to all such interested stakeholders who have filed objections and who have made request for being so heard in the manner prescribed within the period of sixty (60) days from the date of publication of draft Local Area Plan. Further, the Authority shall make such amendments in the draft of the Local Area Plan as it considers proper and shall, as soon as may be, but not later than the time prescribed by the Rules, submit to the Director, Town and Country Planning Assam for Govt. approval of the Local Area Plan through an order published in Official Gazette, with or without modifications and it shall also provide a copy of the objections received by it and its decisions thereon.
- (iii) The Authority shall, after incorporating all the modification or changes, if any after the expiry of sixty (60) days from the draft publication of the Draft Local Area Plan, shall submit to the Director, Town and Country Planning for placing it before the Advisory Council for approval and final publication in the Official Gazette after the recommendation of the Advisory Council.

(4) Power of the Government to require the Authority to make Local Area Plan:

- (i) Notwithstanding anything contained in this Act, the Government may, in respect of any Planning Area after making such enquiry as it deems necessary, direct the concerned Authority through the Director, Town and Country Planning Assam to make and publish in the prescribed manner, a Local Area Plan in respect of any land in regard to which a Local Area Plan may be made.
- (ii) If the Authority fails to make the Local Area Plan within three months from the date of direction made under clause (i) above, the Government may direct the Director, Town and Country Planning Assam to make and publish and submit the Local Area Plan to the Government, and thereupon the provisions of this Act shall, as far as may be applicable, apply to the making of such Local Area Plan.

(5) Power of Government to suspend rules, bye-laws or regulations:

- (i) Where the Local Area Plan through order published in Official Gazette, the Government may, on an application by the Authority, suspend by order published in the Official Gazette to such extent only as may be necessary for the purpose of carrying out of the Local Area Plan, any rule, bye-law, regulation, notification or order made or issued under any law which the Legislature of the State is competent to amend.
- (ii) Any order issued under clause (1) above shall cease to operate in the event of the Local Area Plan being withdrawn by the Planning Authority either on its own or under the directions of the Government.

- (iii) No person shall within any area where a Scheme has come into force erect or proceed with any building or work or remove or alter or make additions or make any substantial repair to a building or a part of it, a compound wall or any drainage work or remove any earth or change the use of any land or building except on permission of the authority on application submitted for the purpose. Unless the permission has been refused within one month from the date of receipt of the application it shall be presumed that the permission has been given.

(6) Appeal against matters determined by the Authority:

From every decision of the Authority in matters arising out of aforesaid provisions, an appeal shall lie within one month from the date of the decision, to the Tribunal constituted under this Act.

(7) Exclusion or Limitation of Compensation in Certain Cases:

- (i) No compensation shall be payable in respect of any property or private right of any sort which is alleged to be injuriously affected by reason of any provision(s) contained in the Local Area Plan, if under any other law for the time being in force applicable to the area for which such Local Area Plan is made, no compensation is payable for such injurious affection.
- (ii) Any property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision contained in a Local Area Plan securing the amenity of the area included in such Local Area Plan or any part thereof or imposing any conditions and restrictions in regard to any of the matters specified in clause (1) above.

(8) Decision of Authority to be final in certain matters:

- (i) Where no appeal has been made under sub-section, (6) section 21 the decision of the Authority shall be final and binding on the parties.
- (ii) Where an appeal has been made under sub-section (6) and a copy of the decision in appeal is received by the Authority, it shall then, where necessary, make variation in the Local Area Plan in accordance with such decision and may also rectify such error(s) or omission(s), if any, as may have been brought to its notice after publication of the Local Area Plan and shall also forward such Local Area Plan together with copies of its decisions and copies of the decisions in appeal to the Board.

(9) Power to Vary Scheme on ground of error, irregularity or informality:

- (i) If after the Local Area Plan has come into force, the Authority considers that the Local Area Plan is defective on account of an error, irregularity or informality or that the Local Area Plan needs variation or modification of a minor nature, the Authority shall prepare and publish a draft of such variation in the prescribed manner and submit to Government for notification in the Official Gazette through the Director, Town and Country Planning Assam,
- (ii) The draft variation published under clause (i) above shall state every amendment proposed to be made in the Local Area Plan, and if any such amendment relates to a matter specified in the Act, the draft variation shall also contain such other particulars as may be prescribed.
- (iii) The draft variation shall be open to the inspection of the public at the office of the Authority during office hours for one month.

- (iv) Not later than one month from the date of the publication of the draft variation, any person affected thereby may communicate in writing his objections to the Authority.
- (v) After receiving the objections under clause (iv) above, the Planning Authority shall after making such enquiry as it may think fit, notify the variation with or without modification by submitting it to Government for notification in the Official Gazette through the Director, Town and Country Planning Assam.
- (vi) From the date of the notification of the variation, with or without modifications, such variation shall take effect as if it were incorporated in the Local Area Plan.

(10) Power to vary Local Area Plan:

Any Local Area Plan may at any time be varied by a subsequent Local Area Plan made, and published in accordance with this Act:

Provided that, when an Local Area Plan is so varied, the provisions of this Act shall, so far as may be applicable, apply to such variation and making of subsequent Local Area Plan; and the date of publication of the varied Local Area Plan shall be deemed to be the date of publication of the Local Area Plan referred in the relevant sections.

(11) Execution of Works in the Local Area Plan by the Authority:

- (i) The Authority shall complete all the works provided in a Local Area Plan within the period prescribed;
- (ii) Notwithstanding anything contained in clause (i) above, require the Authority to complete the works within a further period as it may consider reasonable or appoint other agency/agencies to complete such works."

- | | | |
|-------------------------|-----|--|
| Amendment of section 22 | 19. | In the principal Act, in sub-section (1), in fourth line, in between the word "the" and "minimum" the word "height" shall be inserted. |
| Amendment of section 30 | 20. | <p>In the principal Act, in section 30, before the word "should" the punctuation mark and number "(1)" shall be inserted and in the sixth line, after the word "plan" the words "within a period of 7 days from the date of notice served" shall be inserted and thereafter the following new sub-sections (2) and (3) shall be inserted, namely:-</p> <p>"(2) If any building is erected or re-erected in contravention of any development scheme or any Building Byelaws/ Building Rules or without plans having been deposited to the Authority or not withstanding rejection of plans or otherwise then in accordance with any requirements under this Act/ Building Byelaws/ Master Plan, the Authority shall serve a notice to the person under whose instance the construction has been undertaken, requiring him to pull down or remove the work for such contravention within a period of 7 days.</p> <p>(3) If a person to whom a notice has been served under the foregoing provisions of this Section fails to comply with the notice, the Authority may pull down or remove the work in question or effect such alteration therein as Authority may deem necessary and may recover from him the expenses incurred during the demolition. Such action shall be taken by the Authority after expiry of 7 days of the Notice served under the foregoing provisions of this section."</p> |
| Amendment of section 31 | 21. | <p>In the principal Act,</p> <p>(i) in section 31, in the second line, in between the words "not exceeding" and "on any person" for the word and number "Rs. 250", the word and number "Rs. 50000" shall be substituted and in the sixth line, the words "may be imposed for the days after the first conviction" shall be deleted.</p> <p>(ii) in the fifth line, in between the words "a fine of" and "per day" for the word and number "Rs. 50" the word and number "Rs. 1000" shall be substituted</p> |

Amendment
of section 33

22.

In the principal Act, for section 33, the following shall be substituted, namely, -

- “(1) Any land required, reserved or designated in any Master Plan, Development Scheme, Town Planning Scheme shall be deemed to be land needed for a public purpose within the meaning of “The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013”, or any other Land Acquisition Act in force from time to time, and may be acquired by the Government under the said Act as modified in the manner provided in this Act on request by the respective Authority or Director, Town and Country Planning Assam.
- (2) Where any land has been acquired by the Government, after taking possession of the land, the Government may transfer the land to the concerned Authority for the purpose for which the land has been acquired on payment by the concerned Authority of the compensation awarded under that Act and of the fee.
- (3) On receipt of an application made under sub-section (1) above, if the Government is satisfied that the land specified in the application is needed for the public purpose specified therein, the Government may make a declaration to that effect in the Gazette, in the manner provided in relevant section of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- (4) On the publication of such declaration, the Deputy Commissioner of the district within whose jurisdiction the land is situated, shall proceed to take order for the acquisition of such land under the said Act; and the provisions of that Act shall, so far as may be, apply to the acquisition of the said land.”.

Central
Act 30
of 2013

Central Act
30 of 2013

Insertion of
section 33A,
33B, 33C and
33D

23.

In the principal Act, after section 33, the following new sections 33A, 33B, 33C and 33D shall be inserted, namely:-

“Transfer of
Government Land
to the Respective
Authority”

33A

The Government may by order and on such terms and conditions as may be agreed upon between the Government and the concerned Authority, place at the disposal of such Authority any developed

and undeveloped government lands situated within the jurisdiction of such Authority for the purpose of development in accordance with the provisions of this Act.

Purchase of Land by Negotiated Settlement 33B Where after the publication of a Master Plan, Development Scheme, Town Planning Scheme, any land is required, reserved or designated in such plan, the concerned Authority may enter into agreement with any person for acquisition from him by purchase by paying such amount as may be arrived through negotiated settlement:

Provided the amount shall not exceed the minimum reserve value of land by more than the limit as decided by the Council and approved by the Government.

Acquisition of Land by Transferable Development Right 33C (1) Any area within a Master Plan Area, Development Scheme Area, Town Planning Scheme Area may be acquired by the Authority for public purposes with the consent of the owner, by way of according Transferable Development Right in lieu of compensation payable by the authority in such manner as may be prescribed:

Explanation: - For the purpose of this section public purpose means:-

- (a) Widening of an existing road or formation of a new road, provision for drainage, sewer lines etc;
- (b) Creation of civic amenities and infrastructure
- (c) Providing for parks, playgrounds, open spaces, green areas and any other civic amenities;
- (d) Maintaining or improving heritage building or precincts notified by the State Government
- (e) Conservation of heritage sites

(f) Implementation of development control regulations

- (2) The Transferable Development Right so permitted may be utilized either by himself or by transfer to any other person, as may be prescribed. The area remaining after surrender shall have such permissible built up area as may be prescribed by the Rules or Regulations or bye-laws.

(3) The procedure for award of Transferable Development Right shall be as may be prescribed."

Acquisition of Land by Accommodation, Reservation	33D	A Planning Authority or the Local Authority may, with the consent of the owner, acquire land and built up space for public purposes indicated in the Development Plan from the owner, and provide a built up space equivalent to area of the land and the built up space required for the amenity or facility, in lieu of the cost of land and the built up space acquired for the infrastructure, public amenity, public utility and services which is transferred to the respective Planning Authority or Local Authority, in the manner as may be prescribed."
Amendment of section 34	24.	In the principal Act, for section 34, the following shall be substituted, namely:-
"Disposal of Land or other Property by the Authority	34	The disposal of any land acquired by the Government and transferred to the respective Authority with or without development thereon, or any other immovable property belonging to the Authority shall be provided to land owner following the procedure as may be prescribed for the purpose."
Insertion of section 34A	25.	In the principal Act, after section 34, the following new section 34A shall be inserted, namely:-
"Creation and Management of Development Land Bank	34A	The concerned Authority shall create and maintain a land bank, in which all lands acquired, allotted, purchased and obtained, shall be monitored and maintained and reviewed periodically."
Insertion of section 34A to 36U	26.	After section 36, the following new sections 36A to 36U shall be inserted, namely:-
"Authority to prepare Land Pooling Scheme	36A	Subject to the provisions of this Act or any other law for the time being in force, after the final Master Plan shall be notified by the State Government in the Official Gazette for the purpose of implementing the proposals contained in the plan, the Authority shall prepare one or more Land Pooling Schemes for any part of the area within their jurisdiction.
Declaration of intention to prepare Land Pooling Scheme	36B	(1) The Authority may by a resolution declare its intention to make Land Pooling Scheme in respect of any part of the area within its jurisdiction for which a final Master Plan shall be notified in the Official Gazette by the State Government.

- (2) The Authority shall publish the declaration in the form of a notice in at least two local news papers.
- (3) The declaration published under sub-section (2) above shall contain the following, namely:-
 - (a) The resolution of the Authority declaring its intention to prepare a Land Pooling Scheme.
 - (b) The name of the place or places as well as the copy of the plan showing the boundary of the area to be included in the Land Pooling Scheme together with the proposals of the final Master Plan for that area shall be open for inspection of the public during office hours; and
 - (c) An invitation to furnish information in the form prescribed (to be appended with the notice) within thirty days from the date of publication of such notice in respect of any title or interest which any person may have, in the land or building covered by the intended Land Pooling Scheme.
- (4) The Authority shall forward a copy of the resolution together with the notice and the plan as indicated in sub section (3) above to the Government through the Director, Town and Country Planning Assam.

Engagement of the Project Planner 36C Immediately before the declaration of the intention to prepare the Land Pooling Scheme, the Authority shall, with prior approval of the Director, Town and Country Planning Assam engage a Project Planner, for preparation of Land Pooling Scheme.

Contents of Land Pooling Scheme 36D The Land Pooling Scheme shall contain the following particulars or details, namely:-

- (a) The area, ownership and tenure of all original plots covered by the Land Pooling Scheme.
- (b) Reservation, acquisition or allotment of land with general indication of such uses of land, which is contained in the Land Pooling Scheme and the terms and conditions, subject to which, such land is to be pooled for the Scheme;

- (c) The laying out or relaying out of the land either vacant or already built upon.
- (d) Preservation proposal for all eco-sensitive areas, RAMSAR sites, forest areas, water catchment areas, natural water bodies, streams, rivers, lakes, etc.
- (e) The extent to which it is proposed to alter the boundaries of the original plots in accordance with the proposed Land Pooling Scheme as the reconstituted final plots.
- (f) An estimate of the total cost of the Land Pooling Scheme and the net cost to be borne by the Authority.
- (g) Proposals to allocate Transferable Development Right (TDR) to any final plot owner in lieu of loss of area from the original plot with the consent of the owner; and
- (h) The imposition of conditions and restrictions in regard to the open space to be maintained around the buildings, the percentage of building area for a plot, the number, height and character of buildings allowed in specified areas, the purpose for which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking space, loading and unloading space for any building and the size of projections and advertisements;
- (i) Any other particulars as may be considered necessary by the Project Planner.

**Reconstitution
of Original
Plots into Final
Plots**

- 36E (1) In a Land Pooling Scheme reconstituting the plots, the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes, and where a plot is already built up to ensure that the buildings, as far as possible, comply with the provisions of the Land Pooling Scheme as regards to open spaces.
- (2) For the purpose of sub-section (1), the Land Pooling Scheme may contain proposals:-
- (a) to form a final plot by reconstitution of an original plot by alteration of boundaries of the original plot, if necessary by the Project Planner.

- (b) to form a reconstituted final plot, from an original plot by the transfer wholly or partially of the adjoining lands;
- (c) to allot a reconstituted final plot to any land owner dispossessed in furtherance of the objectives of the Land Pooling Scheme; and
- (d) to transfer the ownership of an original plot from one person to another.
- (e) to provide ownership, with consent of the owners, having separate plots in originally, a joint ownership with or without alteration of boundaries, in common as a reconstituted plot.

**Disputed
ownership**

- 36F (1) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which declaration of intention to prepare a Land Pooling Scheme has been made under section 36B and any entry in the records of rights or mutation register relevant to such disputed claim is inaccurate or inconclusive, an enquiry may be held by the Deputy Commissioner of the concerned district on submission being made by the Authority at any time for the purpose of deciding who shall be deemed to be the owner for the purpose of this Act.
- (2) Such decision of Deputy Commissioner shall be final but it shall not operate as a bar to a regular suit by the landowner or claimant.
- (3) Such decision if becomes inconsistent to any decree of civil court be corrected, and modified or rescinded in accordance with such decree as may be practicable after such decree has been brought to the notice of the Authority either by the civil court or by any person affected by such decree.
- (4) Where such a decree of the court is passed after the scheme has been notified under section 36K of this Act, such schemes shall be deemed to have been suitably verified by reason of such decree.

Restriction on
of use of land
after
declaration of
Land Pooling
Scheme

36G (1) On or after the date of declaration of Land Pooling Scheme in the Official Gazette under sub-section (1) of section 36B of this Act,-

- (a) No person shall within the area included in the declaration erect or proceed with any building work remove, pull down, alter, make addition to, or make any substantial repair to any building, part of a building, a compound wall or any drainage work or remove any earth, stone or material or sub-divide any land or change the use of any land or building unless such person has applied for and obtained necessary permission from the Authority in the form prescribed;
- (b) The Authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt and may, after an enquiry, either grant or refuse such permission or grant it subject to such condition as the Authority may think fit to impose. If the Authority communicates no decision to the applicant within thirty (30) working days from the date of such acknowledgement, the applicant shall be deemed to have been granted such permission;
- (c) If any person contravenes the provisions contained in clause (a) or clause (b), the Authority may direct such person by a notice in writing to stop any work in progress, and after making inquiry in the prescribed manner, remove, pull down or alter any building or the work or restore the land in respect of which such contravention is made to its original condition;
- (d) Any expenses incurred by the Authority under clause (c) above, shall be a sum due to such Authority under this Act from the person in default or the owner of the plot.

- (2) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the Authority under sub-section (1) above except, in respect of a building or work begun or a contract entered into before the date on which the Authority has published the declaration of Land Pooling Scheme under sub section (2) of section 36B and only to such extend of such building or work which has already been proceeded at the time of the publication of the aforesaid declaration:

Provided that such claim to compensation in the excepted cases shall be subject to the conditions of any agreement entered into between such person and the Authority.

- (3) Whereunder section 36D-

- (a) The purpose to which any plot of land may not be used has been specified, such plot and land shall, within such period of not less than one year, as may be stipulated in the scheme, cease to be used for such purpose and shall be used only for the purpose specified in the Land Pooling Scheme.
- (b) The purpose to which any existing building may not be used as has been specified, such building shall, within such period of not less than three years as may be specified in the scheme, cease to be used for the purpose other than the purposes specified in the Land Pooling Scheme;
- (c) The purpose to which any plot of land with existing building may not be used has been specified in the Land Pooling Scheme and the existence of such building is inconsistent with the provisions of the Land Pooling Scheme, such building shall, within a period of not less than 10 years or a period as may be stipulated in the Land Pooling Scheme cease to exist:

Provided that such a period shall not be less than the reasonable life of the building as determined by the Authority;

- (4) Any person aggrieved by the decision of the Authority under this section may, within thirty days from the date of the decision, appeal to the Authority as may be prescribed and the order of the said Authority in appeal shall be final.
- (5) The provision of any development control and use of land as specified in this Act shall mutatis mutandis apply in relation to the unauthorized development or use of land included in a Land Pooling Scheme.
- (6) The restrictions imposed by this section shall cease to operate in the event of the Land Pooling Scheme being withdrawn by the Authority on its own or on the direction of the Government under section 36R.

Engagement of
the Project
Planner

36H Immediately before the declaration of the intention to prepare the Land Pooling Scheme, the Authority shall, with the prior approval of the Director, Town and Country Planning Assam, engage a project planner for preparation of the Land Pooling Scheme. The Project Planner shall be not below the rank of Assistant Director, appointed by the State Government to the Directorate of Town and Country Planning, Assam.

Preparation of
Land Pooling
Scheme

- 36 I
- (1) Immediately after appointment, the Project Planner shall proceed to formulate a draft Land Pooling Scheme in accordance with the provisions of the sections 36D and 36E of this Act.
 - (2) Immediately after the draft Land Pooling Scheme has been prepared, the Project Planner shall convene a meeting of the owners of the original plots through a public notice and explain the salient features of the draft Land Pooling Scheme. A brief record of the aforesaid meeting shall be maintained.
 - (3) The Project Planner shall immediately thereafter proceed to prepare the final draft Land Pooling Scheme taking into

account of the record of the meeting under sub-section (2) and decide any or all matters as given below:

- (a) Define, demarcate and decide the areas allotted to or reserved for the public purpose or purpose of the Authority and also the reconstituted final plots;
- (b) Decide the person or persons to whom a reconstituted plot is to be allotted; when such plot is to be allotted; and in case such plot is to be allotted to persons in ownership in common, decide the share of such persons;
- (c) Estimate the value of and fix the difference between the values of the original plots and the values of the reconstituted final plots included in the Land Pooling Scheme in the manner as prescribed under the rules and the amount of compensation payable for loss of the value and the area of in lieu thereof the extend of allowable Transferable Development Rights (TDR) if the owner so agrees;
- (d) Estimate the compensation payable for the loss of area of the original plot in respect of any original plot which is wholly acquired under the Land Pooling Scheme or in lieu thereof, estimate allowable Transferable Development Rights (TDR) with the consent of the owner of the plot;
- (e) Determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots or portions thereof exclusively used or occupied for institutional, religious or charitable purposes at the date on which public notice declaring the intention of preparation of the Land Pooling Scheme is published under section 36B of this Act;
- (f) Calculate the contribution to be levied on each reconstituted plot included in the Land Pooling Scheme, in order to partly meet the cost of the Land

Pooling Scheme which shall be levied on all final plots excluding those allotted to the Authority in proportion to the area of the final plots allotted to each owner on pro-rata basis;

- (g) Where a plot is subject to a mortgage with possession or a lease, to decide the proportion of compensation payable to or contribution payable by the mortgagee or lessee on the one hand and the mortgagor or the lessor on the other hand;
- (h) Estimate in reference to claims made before him, after the notice given by him in the prescribed manner, the compensation to be paid to the owner of any property of right injuriously affected by the making of a Land Pooling Scheme in accordance with the provisions contained in this Act;
- (i) Determine the period in which the works provided in the Land Pooling Scheme shall be completed by the Authority:

Provided that the Project Planner may make variations in the Land Pooling Scheme subject to the condition that any variation estimated by him to involve an increase of 10% of the total cost of the Land Pooling Scheme or Rupees One Lakh whichever is lower shall require the sanction of the Authority.

- (4) Immediately after the draft final Land Pooling Scheme has been prepared, the Project Planner shall convene the second and final meeting of the owners of the original plots to whom final plots are been allotted through a public notice and explain the draft final Land Pooling Scheme. A brief record of the aforesaid meeting shall be maintained.
- (5) Immediately after the meeting under sub-section (4) above, the Project Planner shall decide all matters referred in sub-section (3) above, after taking into account the brief record of the aforesaid meeting and submit the draft Land Pooling Scheme to the Authority.